

NONSUBSTANTIVE

STATE OF CALIFORNIA - OFFICE OF ADMINISTRATIVE LAW NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 12-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY California Department of Social Services				AGENCY FILE NUMBER (If any) RDB #1293-54	
OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 95-0210-040	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER	
For use by Office of Administrative Law (OAL) only					
NOTICE			REGULATIONS		

1995 FEB 10 PM 3:11
ENDORSED
APPROVED FOR FILING
ADMINISTRATIVE PUBLICATION
MAR 27 1995
Office of Administrative Law

FILED
In the office of the Secretary of State
of the State of California

MAR 27 1995

At _____ O'clock _____ M.
BILL JONES, Secretary of State

By _____
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Adoptions Clean-Up Regulations		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S) 22	ADOPT
SECTIONS AFFECTED	AMEND See Attachment #1
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify) _____

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Frank R. Vitulli, Chief, Office of Regulations Development

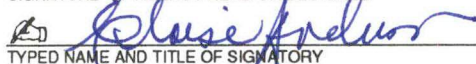
TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



TYPED NAME AND TITLE OF SIGNATORY

Eloise Anderson, Director

DATE

FEB 10 1995

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Attachment #1

Amend:

Sections 35001, 35002, 35003, 35005, 35007, 35011, 35015, 35017,
35019, 35021, 35023, 35025, 35027, 35031, 35033, 35035, 35037,
35039, 35041, 35043, 35045, 35050, 35055, 35057, 35059, 35061,
35063, 35065, 35067, 35069, 35073, 35075, 35077, 35129, 35131,
35133, 35134, 35135, 35137, 35139, 35141, 35143, 35145, 35147,
35148, 35149, 35151, 35153, 35155, 35156, 35157, 35159, 35161,
35163, 35165, 35167, 35169, 35171, 35173, 35175, 35177, 35183,
35185, 35187, 35189, 35191, 35193, 35195, 35197, 35199, 35201,
35203, 35211, 35213, 35215, 35217, 35219, 35221, 35223, 35225,
35227, 35229, 35231, 35233, 35235, 35237, 35239, 35241, 35243,
35245, 35247, 35249, 35251, 35253, 35255, 35257, 35259, 35261,
35263, 35265, 35267, 35269, 35271, 35273, 35277, 35279, 35281,
35285, 35287, 35289, 35291, 35293, 35295, 35297, 35299, 35301,
35303, 35305, 35307, 35309, 35311, 35313, 35315, 35317, 35319,
35321, 35323, 35329, 35349, 35353, 35355, 35357, 35359, 35361,
35363, 35365, 35367, 35369, 35371, 35373, 35375, 35377, 35379,
35381, 35383, 35385, 35387, 35401, 35403, 35405, 35407 and 35409.

Amend Section 35001 to read:

35001 FORMS

35001

(a) (1) through (79) (Continued)

(80) "AD 4333" (6-91) means the form entitled, "Acknowledgement and Confirmation of Receipt of Relinquishment Documents."

(b) through (z) (Continued)

Authority Cited: Sections 10553, 10554, 16118, and 16120, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 16105, 16118, and 16120.05, Welfare and Institutions Code; Sections 8500 et seq., 8600 et seq., 8700 et seq., 8800 et seq., 8900 et seq., 9100 et seq., and 9200 et seq., Family Code.

Amend Section 35002 to read:

35002 INITIALING THE RELINQUISHMENT OR CONSENT FORM

35002

- (a) The relinquishment or consent form shall not be corrected or altered unless the correction or alteration is initialed by:
- (1) The parent who signed the form.
 - (2) The reader or translator, if one was used.
 - (3) The authorized representative of the agency.
 - (4) The witnesses to the relinquishment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222110 and 224140/ Civil~~ 8700 and 8806, Family Code.

Amend Section 35003 to read:

35003 RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS
WHO CANNOT READ ENGLISH

35003

- (a) If the parent signing the relinquishment or consent form cannot read English but can read his or her native language, the agency shall: (Continued)
- (2) Provide for the written translation of the forms into the parent's language when forms in the parent's native language are not available from the department.
- (A) The agency shall permit the parent to provide the translator.
1. If the translator is an employee of the agency, he/ or she shall not be responsible for the provision of adoption services to the relinquishing or consenting parent.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222/10 and 224/40/ Civil~~ 8700 and 8806 Family Code.

Amend Section 35005 to read:

35005 RELINQUISHMENT AND CONSENT PROCEDURES FOR PARENTS
 WHO CANNOT READ

35005

- (a) If the parent signing the relinquishment or consent cannot read, the agency shall: (Continued)
- (3) Provide the reader if the parent cannot provide the reader.
- (A) If the reader is an employee of the agency, he/ or she shall not be responsible for the provision of adoption services to the relinquishing or consenting parent. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222/10 and 224/40/ Civil~~ 8700 and 8806, Family Code.

Amend Section 35007 to read:

35007 RECORDING OF READING OF FORMS

35007

(a) The agency shall record the reading of the forms to the parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~222/10 and 224/40/ Civil~~ 8700 and 8806, Family Code.

Amend Section 35011 to read:

35011 RECRUITMENT OF ADOPTIVE APPLICANTS

35011

(a) The agency shall recruit applicants who reflect the identified racial, ethnic, cultural, or religious backgrounds of children the agency is placing for adoption.

(1) To recruit applicants, the agency shall follow the requirements of ~~01711~~ Family Code Section 222.37 8710(b).

HANDBOOK BEGINS HERE

(A) The content of ~~01711~~ Family Code Section 222.37 8710(b) is located at Section 35047(a) (243) (A).

HANDBOOK ENDS HERE

(2) (Continued)

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; Sections 8621 and 8710(a), Family Code; and Section 1530, Health and Safety Code.

Reference: Sections 222.35, 222.36, 222.37, and 222.38, 01711 8708, 8709, 8710, and 8711, Family Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1355.40.

Amend Section 35015 to read:

35015 RECRUITMENT EFFORTS FOR CHILDREN WHO HAVE BEEN
FREED FOR ADOPTION

35015

(a) The agency's efforts to recruit adoptive parents of the child's identified racial, ethnic, cultural, or religious background shall include the following within the first three months after the action freeing the child for adoptive placement:

- (1) Contact with other public and private adoption agencies_.
- (2) Presentation of information regarding the child on television and/or other media outreach programs, if appropriate_.
- (3) Presentation of information concerning the child at exchange meetings of agencies_.
- (4) Participation in the state photo-listing album of children as appropriate_.
- (5) Contact with parent groups regarding specific children.

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222135/ 222136/ 222137/ and 222138/ 222139/~~ 8708, 8709, 8710, 8711, Family Code; Sections 16115.5 and 16119, Welfare and Institutions Code; and 45 CFR 1355.40.

Amend Section 35017 to read:

35017 REQUIREMENTS FOR PHOTO-LISTING CHILDREN
 WHO HAVE BEEN FREED FOR ADOPTION

35017

- (a) The agency shall register with the Department's photo-listing service each child who has been freed for adoption and whose case plan goal is adoption.
- (b) In order to register the child, the agency shall submit the following to the Department: (Continued)
- (2) A description of each child being registered. (Continued)
- (B) The "Description of Child" section of Form AD 909 shall be no less than four concise paragraphs which contain, but are not limited to, the following: (Continued)
2. Include in the second paragraph some positive statements about the child's personality, outside or special interests, achievements, and aspirations.

HANDBOOK BEGINS HERE

- (i) A personalized statement from the child on the kind of family environment he/ or she would prefer or just a statement in general from the child is encouraged, but is not a prerequisite to register.

HANDBOOK ENDS HERE

3. and 4. (Continued)

(c) (Continued)

(d) (Continued)

(e) (Continued)

(f) (Continued)

(g) A child who is 12 years of age, or older, and does not consent to be adopted, shall be deferred from the photo-listing service.

- (1) If a child 12 years of age, or older, consents to his/ or her adoption, subsequent to an initial decision not to consent to his/ or her adoption, the agency shall register the child within 15 working days following the child's consent.

(h) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 222/30/07/ 0141 8621 and 8707(a), Family Code.

Reference: Section 222/30/ 0141 8707, Family Code.

Amend Section 35019 to read:

35019 NOTIFICATION OF CHANGES IN PHOTO-LISTING STATUS
 AND UPDATING PHOTO-LISTING INFORMATION

35019

(a) Licensed adoption agencies shall notify the photo-listing service, by telephone, of any adoptive placements or of any significant changes in the child's photo-listing status within two working days of that change.

(b) (Continued)

(c) (Continued)

(d) (Continued)

(e) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 222/30/37/
4141 8621 and 8707, Family Code.

Reference: Section 222/30/ 4141 8707, Family Code.

Amend Section 35021 to read:

35021 COMPLIANCE WITH CCR REQUIREMENTS FOR THE STAFFING 35021
OF ADOPTION AGENCIES

- (a) The agency shall comply with Title 22, California Code of Regulations, Division 6, Chapter 9, Articles 1 and 2.

HANDBOOK BEGINS HERE

- (1) The sections of the California Code of Regulations which are relevant to the recruitment and maintenance of the agency's staff read as follows:

"89140 GENERAL PERSONNEL REQUIREMENTS 89140

(Continued)

89149 EXECUTIVE DIRECTOR RESPONSIBILITY AND DUTIES - 89149
PRIVATE AND PUBLIC HOMEFINDING AND ADOPTION AGENCIES

- (a) Private and Public Agencies. The executive director shall be responsible for the operation of the agency and shall be held accountable for it. He may delegate his authority but not his responsibility. (Continued)

89161 PERSONNEL POLICIES 89161

- (a) In addition to the general requirements there shall be written personnel policies for homefinding and adoption agencies which include, but are not limited to the following: (Continued)

- (5) Regular in-service training shall be provided."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Amend Section 35023 to read:

35023 INFORMATION AND AUTHORIZATION (Continued)

35023

- (b) The agency shall obtain the following information regarding the child's birth parents: (Continued)
- (2) Name and current address.
 - (3) Date of birth.
 - (4) Religion. (Continued)
 - (6) Race and ethnic background. (Continued)
 - (7) Medical background, including illnesses, diseases, or defects of a hereditary or genetic nature, as required by Civil Family Code Section 222/26/d/ 224/70/d/ or 226/33/d/ 8706, 8817, or 8909, including, if available, the medical history of the birth parent's extended family.

HANDBOOK BEGINS HERE

- (A) The content of Civil Family Code Section 222/26/d/ 8706 is located at Section 35209(a)(1).
- (B) The content of Civil Family Code Section 224/70/d/ 8817 is located at Section 35093(a)(2)(B).
- (C) The content of Civil Family Code Section 226/33/d/ 8909 is located at Section 35275(a)(1).

HANDBOOK ENDS HERE

- (8) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 222/26/d/ 224/70/d/ and 226/33/d/ Civil 8608(a) and 8621, Family Code.

Reference: Sections 222/26/d/ 222/73/ 224/70/d/ 226/33/d/ 229/30/ and 7000 et seq. Civil 7600 et seq., 8706, 8715, 8817, 8909, and 9202, Family Code; Section 10553(e), Welfare and Institutions Code; and 25 U.S.C. 1901 et seq.

35025 IDENTIFICATION OF PARENTS - AGENCY ADOPTIONS

(a) In agency adoptions, the agency shall obtain and verify all information necessary to identify those persons whose parental rights must be terminated prior to the placement of the child for adoption.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 222/26(b)(1) Civil 8619 and 8621, Family Code.

Reference: Sections 222/28/ay/ 222/78/ and 7004/ 01y11 7601, 7602, 7610, 7613, 7630, 7631, 7633, 7650, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7802, 8512, 8604, 8617, 8619, 8700, 8703, and 8705, Family Code.

Amend Section 35027 to read:

35027 IDENTIFICATION OF PARENTS - INDEPENDENT ADOPTIONS

35027

- (a) In independent adoptions, the agency shall obtain and verify all information necessary to identify those persons whose parental rights must be terminated prior to the issuance of a final decree of adoption.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 224/70/00/ 01/11 8619 and 8621, Family Code.

Reference: Sections 221/80/ 224/42/ 224/70/00/ 01/11 7601, 7602, 7610, 7613, 7630, 7631, 7633, 7650, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7802, 8512, 8604, 8617, 8619, 8808, 8809, 8814, and 8819, Family Code.

Amend Section 35031 to read:

35031 AGENCY ADOPTIONS (Continued)

35031

- (b) The agency shall terminate the legal relationship that exists between a child and his/ or her parents, if living, prior to the placement of the child for adoption, unless:
- (1) The child is placed with assessed and approved prospective adoptive parents with the approval of the agency's administrator, and (Continued)
- (C) An action under ~~Civil~~ Family Code Sections ~~7017~~ ~~of~~ ~~7008~~ 7662 and 7666, to terminate the parental rights of an alleged natural father is pending.
1. Family Code Section 7662 is located at Section 35029(e)(1).
2. Family Code Section 7666 is located at Section 35029(e)(2).
- (c) The parental rights of the mother and presumed father shall be terminated either by relinquishment of the child to an agency or by court action brought by the agency pursuant to ~~Civil~~ Family Code Section ~~222~~ 7820 et seq. (Continued)
- (2) Subject to the exceptions set forth in Sections 35031(b)(1)(A) through (C), the parental rights of all alleged natural fathers shall be terminated prior to the placement of the child for adoption by any of the following:
- (A) Court action.
- (B) Notification pursuant to ~~Civil~~ Family Code Sections ~~7017~~ 7664 and 7666.

HANDBOOK BEGINS HERE

1. If the alleged natural father is served with notice pursuant to ~~Civil~~ Family Code Sections ~~7017~~ 7664 and 7666 and no response is made within 30 days of service of such notice or the birth of the child, whichever is later, the alleged natural father's parental rights are terminated.

HANDBOOK ENDS HERE

- (C) Relinquishment of the child for adoption.
- (D) Waiver of further notice of the adoption proceedings. (Continued)
- (E) Denial of paternity. (Continued)

(3) In the event that a court action is brought and the court determines that the alleged natural father is the presumed father the agency shall: (Continued)

(B) Initiate court action pursuant to § 17 Family Code Sections 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, and 7892. (Continued)

(e) In the absence of the alleged natural father's signed relinquishment, waiver of notice or denial of paternity, the agency shall serve the alleged natural father with notice of the action he may take under § 17 Family Code Section 7662 or initiate an action to terminate the parental rights of the alleged natural father under § 17 Family Code Section 7666.

HANDBOOK BEGINS HERE

(1) If the alleged natural father is served with such notice and no response is made within 30 days of service, or the birth of the child, whichever is later, the alleged natural father's parental rights are terminated without further action.

(A) Family Code Section 7662 is located at Section 35029(e)(1).

(B) Family Code Section 7666 is located at Section 35029(e)(2).

HANDBOOK ENDS HERE

(f) In the absence of a relinquishment, waiver or denial signed by the alleged natural father or termination of the alleged natural father's parental rights through notification pursuant to § 17 Family Code Section 7666, the agency shall take court action in accordance with § 17 Family Code Section 7662.

(1) The agency shall inquire of the mother and any other appropriate person as to whether:

(A) The mother was married at the time of conception of the child or at any time thereafter.

(B) The mother was cohabiting with a man at the time of conception or birth of the child.

(C) The mother has received support payments or promises of support with respect to the child or in connection with her pregnancy.
(Continued)

(g) In the event that the mother identifies the alleged natural father or he has been identified to the satisfaction of the court and he cannot be located, the agency shall:

(1) Inform the court that the alleged natural father cannot be located;

(2) Petition the court to terminate the alleged natural father's parental rights pursuant to ~~41711~~ Family Code Sections 7017 7662 and 7666, and

(A) Family Code Section 7662 is located at Section 35029(e)(1).

(B) Family Code Section 7666 is located at Section 35029(e)(2).
(Continued)

(h) The agency shall contact any appropriate persons in an effort to identify and locate the alleged natural father in the event that the mother is unable or unwilling to identify him or names more than one man as the possible father.
(Continued)

(2) If the alleged natural father is identified after the inquiry and the mother confirms his identity, the procedures under Section 35031(~~b~~c)(2)(B) shall be followed. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~221/20/ 221/70/ 222/10/ 222/ 7004/ 7006/ and 7017~~ 1183, Civil Code; Sections 7500, 7501, 7611, 7612, 7630, 7631, 7660, 7661, 7662, 7663, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, 7892, 7893(b)(3), 8604, 8605, 8606, and 8700, Family Code; 414.10, 415.30, 415.50, 417.10, and 417.20, Code of Civil Procedure; and 25 U.S.C. 1901 et seq.

Amend Section 35033 to read:

35033 NOTICE - INDEPENDENT AND AGENCY ADOPTIONS (Continued)

35033

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections 415.10, 415.30, and 415.40, Code of Civil Procedure;
and Sections ~~7017, Civil~~ 7662, 7664, and 7666, Family Code.

Amend Section 35035 to read:

35035 FILING OF DOCUMENTS - AGENCY ADOPTIONS

35035

(a) The agency shall file with the department the following documents which pertain to freeing a child for adoption:

- (1) Supporting Information for Issuance of Department of Social Services Waiver and Acknowledgment, as appropriate. (Continued)
- (2) Notice of Procedure in Lieu of Signing Relinquishment, Waiver, or Denial, as appropriate.

HANDBOOK BEGINS HERE

(A) This is form AD 551A.

HANDBOOK ENDS HERE

- (3) Copies of court orders terminating parental rights, as appropriate.
- (4) Copies of notices sent to alleged natural fathers under ~~0711~~ Family Code Sections 7017, 7662, 7664, and 7666 and proof of service, as appropriate.
- (5) Certified copies of relinquishments for adoption, as appropriate.
- (6) Copies of ~~s~~ Statements of Understanding, as appropriate.
- (7) Copies of waivers of further notice to the adoption proceedings, as appropriate.
- (8) Copies of denials of paternity, as appropriate. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections 721.76, 722.10, 732, 7004, 7006, and 7017, Civil 7611, 7612, 7630, 7631, 7660, 7661, 7662, 7664, 7665, 7666, and 8700, Family Code; and Sections 414.10, 415.10, 415.30, 415.40, 415.50, 417.10, and 417.20, Code of Civil Procedure.

Amend Section 35037 to read:

35037 FEES

35037

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Section 89137(b) and ~~Civil~~ Family Code Sections ~~222/72/ 224/47/ 226/28/ and 229/40~~ 8716, 8810, 8907, and 9203(g).

HANDBOOK BEGINS HERE

- (1) Title 22, California Code of Regulations, Section 89137(b) requires private agencies to obtain the approval of the department regarding the maximum fee that may be charged, and the agency's fee payment plan.
- (2) ~~Civil~~ Family Code Section ~~229/40(d)~~ 9203(g) permits the agency to charge a reasonable fee to cover the costs of processing the requests for information under ~~Civil~~ Family Code Section ~~229/40(d)~~ 9203(a).
- (3) ~~Civil~~ Family Code Section ~~222/72~~ 8716 permits a public agency to charge a fee of \$500. This fee may be deferred, waived, or reduced when:
 - (A) Payment would cause economic hardship for the prospective adoptive parents.
 - (B) The child has been in the foster care of the prospective adoptive parents for at least one year.
 - (C) Payment would be detrimental to the welfare of the adopted child.(Continued)
- (4) ~~Civil Code Section 224/47 requires the petitioner, when a petition is filed in an independent adoption filed on or after September 1, 1989, to pay \$500 to the department or delegated county adoption agency.~~ Family Code Section 8810(a) permits the charging of a fee in an independent adoption.
 - (A) The fee must be paid prior to the filing of a favorable report pursuant to Section 8809.1. Family Code Section 8810(a) reads as follows:

"(a) Except as otherwise provided in this section, if a petition is filed under this chapter for the adoption of a child, the petitioner shall pay a fee to the department or delegated county adoption agency, as follows:

"(1) For petitions filed from March 5, 1993, through June 30, 1993, five hundred dollars (\$500) before the filing of a favorable report in the court by the department or delegated county adoption agency.

"(2) For petitions filed on and after July 1, 1993, one thousand two hundred fifty dollars (\$1,250).

"The department or agency may defer, waive, or reduce the fee when in its judgment the payment would cause economic hardship to the prospective adoptive parents and would be detrimental to the welfare of the adopted child."

"(3) Where the adoption is interrupted prior to the filing of the report of the department or delegated county adoption agency, the adoption petition may be withdrawn and no adoption fee shall be assessed for any services rendered by the department or delegated county adoption agency, and any such fees already paid shall be refunded."

(b) The fee may be deferred, waived or reduced if it would cause an economic hardship to the prospective adoptive parent and would be detrimental to the welfare of the child. (Continued)

HANDBOOK ENDS HERE

- (b) Adoption agencies shall collect fees for criminal record clearances.

HANDBOOK BEGINS HERE

- (1) ~~Civil~~ Family Code Sections ~~222/40/~~ ~~224/49/~~ and ~~226/30~~ 8712, 8811, and 8908 provide that any fee charged by a law enforcement agency for fingerprinting or for checking or obtaining the criminal record of the applicant or petitioner shall be paid by the applicant or petitioner.
- (2) ~~Civil~~ Family Code Sections ~~222/40/~~ ~~224/49~~ and ~~226/30~~ 8712, 8811, and 8908 provide that the adoption agency or the Department may defer, waive, or reduce the fee when its payment would cause economic hardship to the adoptive parents detrimental to the welfare of the adopted child, when the child has been in the foster care of the adoptive parents for at least one year, or if necessary for the placement of a special needs child.

HANDBOOK ENDS HERE

- (3) When the adoption agency or the Department defers, waives, or reduces the fee to be paid by the applicant or petitioner, the adoption agency or the Department is responsible for payment of the fees to the Department of Justice. (Continued)

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/~~ ~~Civil~~ 8621, 8901, and 9203(g), Family Code.

Reference: Sections ~~222/40/~~ ~~222/72/~~ ~~224/47/~~ ~~224/49/~~ ~~226/28/~~ ~~226/30/~~ and ~~229/40/~~ ~~Civil~~ 8712(c), 8716, 8810, 8811(c), 8907, 8908(c), and 9203(g), Family Code; and Section 89137(b), Title 22, California Code of Regulations.

Amend Section 35039 to read:

35039 MANUAL (Continued)

35039

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections ~~226111~~ ~~01411~~ 8621 and 8901, Family Code; and Section 1530, Health and Safety Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code; and Section 1530, Health and Safety Code.

Amend Section 35041 to read:

35041 REPORTING REQUIREMENTS

35041

- (a) Agencies shall submit the following reports to the department, including but not limited to:
- (1) Reports required for the implementation of the ICWA.
 - (2) Reports required for the implementation of Public Law 96-272 (Title 42, United States Code, Sections 673 and 675), including reports necessary to meet Title IV-B planning requirements.
 - (3) Reports required for the determination of allocations to public adoption agencies. (Continued)

Authority Cited: Sections 10553, 10554, and 16118(a), Welfare and Institutions Code; Sections ~~226111~~ ~~01111~~ 8621 and 8901, Family Code; and Section 1530, Health and Safety Code.

Reference: Section 10852, Welfare and Institutions Code and 25 USC 1915(e).

Amend Section 35043 to read:

35043 MATERNITY CARE

35043

- (a) If the agency uses its adoption program allocation to assist the birth mother with the cost of private medical and/or hospital care the following conditions shall be met:
- (1) The birth mother is financially unable to pay for private medical and/or hospital care.
 - (2) The birth mother is not eligible for Medi-Cal. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 10553 and 10554, Welfare and Institutions Code.

Amend Section 35045 to read:

35045 COMPLIANCE WITH CCR REQUIREMENTS FOR CONTENT
OF CASE RECORD

35045

- (a) Adoption agencies shall comply with the requirements of Title 22, California Code of Regulations, Division 6, Sections 89179 and 89182.

HANDBOOK BEGINS HERE

- (1) Title 22, California Code of Regulations, Division 6, Section 89179 ~~requires the following~~ reads as follows:

"(a) The homefinding or adoption agency shall maintain adequate case records which include:

"(1) Separate records for each client and for each placement facility studied and used by the agency.

"(2) Current administrative records in such a form as to provide an index to all cases, including location of all clients under care and of all placement facilities in use.

~~"/~~ "(b) Adoption case records ~~are to~~ shall be retained by the agency indefinitely. ~~In the event that of~~ an agency terminating its services, full case records on all completed adoptions, placements for adoption, and children relinquished for adoption shall be forwarded to the Department for permanent filing and reference. ~~Such records and documents shall include those regarding the natural parents, the child and the adoptive parents. Such forwarding by the terminating agency shall be conducted in the manner prescribed by the Department.~~"

- (2) Title 22, California Code of Regulations, Division 6, Section 89182 ~~requires the following~~ reads as follows:

~~"/~~ "(a) Each homefinding or adoption agency shall maintain a case record for each family unit or individual served in its program.

~~"/~~ "(b) Each case records shall include: (Continued)

6. Verifications. (Continued)

- ~~"/~~ (c) All information in ~~adoption~~ case records ~~is~~ shall be confidential/ and adoption records shall be available only to authorized adoption personnel."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 1530, Health and Safety Code; Section 1798, Civil Code; and Sections 89179 and 89182, Title 22, California Code of Regulations.

Amend Section 35050 to read:

35050 PROVIDING A MEDICAL REPORT

35050

- (a) The agency shall provide the adoptive parents copies of information received by the agency pursuant to ~~Civil~~ Family Code Section ~~222/15/AY/1Y~~ of ~~224/73/AY/1Y~~ 8702 or 8818 after finalization of the adoption.

HANDBOOK BEGINS HERE

- (1) The content of ~~Civil~~ Family Code Section ~~222/15/AY/1Y~~ 8702 is located at Section 35151(a) (3) (A)2.
- (2) The content of ~~Civil~~ Family Code Section ~~224/73/AY/1Y~~ 8818 is located at Section 35121(a) (3) (~~PA~~)1.

HANDBOOK ENDS HERE

- (3) (Continued)

Authority Cited: Sections 10553, 10554 and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections ~~222/15~~ and ~~224/73/~~ ~~Civil~~ 8702 and 8818, Family Code.

Amend Section 35055 to read:

35055 DISCLOSING INFORMATION TO THE BIRTH PARENT (Continued) 35055

- (b) The agency shall disclose to a birth parent upon his/ or her request the name and most current address of an adoptee over the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, when the adult adoptee has given written consent to the disclosure in accordance with ~~§ 1711~~ Family Code Section 229/40/21 9203.

HANDBOOK BEGINS HERE

- (1) A partial quotation of ~~§ 1711~~ Family Code Section 229/40/21 9203 is located at Section 35053(~~a~~b)(1).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section ~~229/40/21~~ § 1711 9203, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35057 to read:

35057 DISCLOSING IDENTIFYING INFORMATION TO THE ADOPTEE

35057

- (a) The agency shall disclose the identity of a birth parent and his/ or her most current address upon the request of an adoptive parent of an adoptee under the age of 21 whose relinquishment for or consent to adoption was signed on or after January 1, 1984, upon finding by the department or agency that a medical necessity or other extraordinary circumstance justifies the disclosure, if the birth parent has given written permission for such disclosure in accordance with ~~Civil~~ Family Code Sections ~~222/15/d/ 224/73/d/ and 229/40/d/~~ 8702, 8818, and 9203.
- (1) The agency shall not disclose the identity of a birth parent who has indicated that he/ or she does not wish his/ or her identity so disclosed.

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections ~~222/15/d/ 224/73/d/ and 229/40/d/~~ Civil 8702, 8818, and 9203, Family Code.

Amend Section 35059 to read:

35059 STATUTORY REQUIREMENTS FOR FURNISHING INFORMATION
AND ACCESS TO CASE RECORDS (Continued)

35059

- (b) The agency shall comply with ~~Civil~~ Family Code Section ~~229/20~~ 9201 and Welfare and Institutions Code Section 10852.

HANDBOOK BEGINS HERE

- (1) ~~Civil~~ Family Code Section ~~229/20~~ 9201 ~~permits the agency to furnish information relating to any adoption petition to the juvenile court, to any county welfare department whenever it is believed the welfare of a child will be promoted thereby/~~ reads as follows:

"Notwithstanding any other law, the department and any licensed adoption agency may furnish information relating to an adoption petition to the juvenile court, county welfare department, public welfare agency, or private welfare agency licensed by the department, if it is believed the child's welfare will be promoted thereby."

- (2) Welfare and Institutions Code Section 10852 ~~requires~~ reads as follows:

"All persons who are subject to investigation or supervision by the department, or who are connected with any institution subject to such investigation or supervision, or who are in any way responsible for the administration or expenditure of funds which are subject to investigation or supervision by the department, shall furnish to the department such information and statistics as it may request or require, and shall allow the department free access to all such institutions and to all records of such institutions and persons."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 10852, Welfare and Institutions Code; Section ~~229/20/~~ Civil 9201, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35061 to read:

35061 STATUTORY REQUIREMENTS FOR THE RELEASE OF PERSONAL PROPERTY 35061

- (a) The agency shall comply with the provisions of ~~01/11~~ Family Code Section ~~229/70~~ 9206:

HANDBOOK BEGINS HERE

- (1) ~~01/11~~ Family Code Section ~~229/70~~ 9206, in pertinent part, reads:

"(a) Notwithstanding any other ~~provision~~ of law, the department ~~and any~~ licensed adoption agency shall release any letters, photographs, or other items of personal property in ~~their~~ its possession to any adoptee, birth parent, or adoptive parent, upon written request. The material may be requested by any of the following ~~parties~~ persons:

"(1) The adoptee, ~~provided that he or she~~ if the adoptee has attained the age of 18 years.

"(2) The adoptive parent or parents, on behalf of an adoptee under the age of 18 years, as long as instructions to the contrary have not been made by the depositor.

"(3) The birth parent or parents.

"(b) Notwithstanding any other ~~provision~~ of law, all identifying names and addresses shall be deleted from the letters, photographs, or items of personal property before delivery to the requester.

/ / /

"(c) ~~Any~~ Letters, photographs, ~~or~~ and other items of personal property deposited on or after January 1, 1985, shall be accompanied by a release form or similar document signed by the person depositing the material, specifying to whom the material may be released. At its discretion, the department or licensed adoption agency ~~shall have the right to~~ may refuse for deposit items of personal property that, because of value or bulk, would pose storage problems.

"(d) Notwithstanding subdivisions (a) and (b), only the following photographs deposited before January 1, 1985, shall be released:

"(1) Photographs of the adoptee ~~which~~ that have been requested by the adoptee.

"(2) Photographs ~~which~~ that have been deposited by the adoptee, the adoptive parent or parents, or the birth parent or parents, and for which there is a letter or other document on file indicating that person's consent to the release of the photographs...

"(ef) As used in this section/ 'p'Photograph' as used in this section
means a photograph of the person depositing the photograph or the
person making the request for the release."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions
Code; and Section 8621, Family Code.

Reference: Section 229.70/ 229.71 9206, Family Code.

Amend Section 35063 to read:

35063 DISCLOSURE OF INFORMATION TO A SIBLING

35063

- (a) The agency shall release to each sibling who has attained the age of 21 the name and address of his or her biological sibling provided that at least one sibling is an adoptee and both have filed a written waiver of rights to confidentiality in accordance with Ohio Family Code Section 229.60 9205.

HANDBOOK BEGINS HERE

- (1) Ohio Family Code Section 229.60 9205, in pertinent part, reads as follows:

7(a) Notwithstanding any other provision of law, if an adoptee who has attained the age of 21 has filed his or her current address, a written request for contact with any biological sibling whose existence is known to him or her, and a written waiver of his or her rights with respect to the disclosure of his or her name and address to the sibling, with the department or the adoption agency that joined in the petition for his or her adoption, and any such biological sibling of that person who has attained the age of 21 also has filed his or her current address, made such a request for contact, and filed a written waiver, if applicable, the department or the agency shall release to each of them the other's name and address. Upon inquiry, and upon proof that a person is the sibling of an adoptee who has filed a waiver pursuant to this section, the department, or agency may advise him or her that such a waiver has been filed by the adoptee. The department or an agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.

(b) An adoptee may revoke a waiver executed pursuant to this section by giving written notice to that effect to the department or agency.

(d) The department shall not solicit the execution of a waiver authorized by this section, however, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to effectively inform the public.

"(a) Notwithstanding any other law, the department or adoption agency that joined in the adoption petition shall release the names and addresses of biological siblings to one another if both of the siblings have attained the age of 21 years and have filed the following with the department or agency:

"(1) A current address.

"(2) A written request for contact with any biological sibling whose existence is known to the person making the request.

"(3) A written waiver of the person's rights with respect to the disclosure of the person's name and address to the sibling, if the person is an adoptee.

"(b) Upon inquiry and proof that a person is the biological sibling of an adoptee who has filed a waiver pursuant to this section, the department or agency may advise the sibling that a waiver has been filed by the adoptee. The department or agency may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section.

"(c) An adoptee may revoke a waiver filed pursuant to this section by giving written notice of revocation to the department or agency...

"(e) The department or agency may not solicit the execution of a waiver authorized by this section. However, the department shall announce the availability of the procedure authorized by this section, utilizing a means of communication appropriate to inform the public effectively."

- (2) A sibling may revoke his/ or her waiver in the same manner as the adoptee as provided for in California Family Code Section 229.60(c).

HANDBOOK ENDS HERE

- (3) (Continued)

- (4) The agency shall obtain the consent of the birth parents of the adoptee and sibling prior to disclosing the adoptee's name and address or the existence of a waiver filed by the adoptee under the circumstance designated in California Family Code Section 229.60(d).

HANDBOOK BEGINS HERE

- (A) California Family Code Section 229.60(d), in pertinent part, reads as follows:

"(d) ...The department may adopt regulations requiring any additional means of identification from a person making a request pursuant to this section as it deems necessary, and for the obtaining of the consent of the ~~adoptive~~ birth parents of the adoptee and the sibling in order to make the disclosure authorized by this section in any case in which the sibling remained in the custody and control of the ~~adoptive~~ birth parents until ~~he or she attained~~ the age of 18 years."

HANDBOOK ENDS HERE

- (B) (Continued)

- (E) If any birth parent is deceased, the agency shall require from the sibling proof of the parent's death before the requirement for consent of that parent be waived.

1. A copy of the death certificate, newspaper clipping, or other evidence of a funeral/ or memorial service which establishes the parent's death shall be accepted by the agency as evidence of the birth parent's death.
- (F) In cases in which the sibling did not remain in the custody and control of his/ or her and the adoptee's birth parent(s) until age 18 but this fact cannot be verified, the agency shall accept as evidence that the sibling did not remain in the custody and control of the adoptee's and sibling's birth parent(s) an affidavit to that effect signed by the sibling. (Continued)
- (5) All waivers referred to in this section shall be on a form prescribed by the department.
- (A) Agencies shall advise adoptees and siblings who have filed waivers of confidentiality prior to the availability of the form prescribed by the department of the necessity to sign the waiver on the prescribed form and of the provisions of ~~01711~~ Family Code Section ~~229/00~~ 9205.

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- (B) Agencies may charge a reasonable fee, not to exceed fifty dollars (\$50), for providing the service required by this section in accordance with ~~01711~~ Family Code Section ~~229/00(a)~~ 9205(b) as found at Section 35063(a)(1).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Sections 8621 and 9205(d), Family Code; and Section 1530, Health and Safety Code.

Reference: Section ~~229/00~~ 01711 9205, Family Code.

Amend Section 35065 to read:

35065 SERVICES TO BE PROVIDED FOLLOWING FINALIZATION OF
AN ADOPTION (Continued)

35065

Authority Cited: Sections 10553, 10554, and 10850(d), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 222/28(a)/ 224/70(a)/ 226/33(a)/ 229/20/ 229/30/ 229/40(a)/ 229/50/ 229/70/ and/ 1798.24(r) and (s), Civil Code; Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35067 to read:

35067 RESERVED

35067

HANDBOOK BEGINS HERE

- (a) The Private Adoption Agency Reimbursement Program provides funds for defraying private agency costs related to adoption and recruitment of adoptive families for placement of special-needs children whose age, sibling group, medical or psychological problems, background or other circumstances make placement especially difficult. Welfare and Institutions Code Section 16122 requires the Department to offer limited reimbursement to private adoption agencies for costs incurred in the placement of a special-needs child.

HANDBOOK ENDS HERE

Amend Section 35069 to read:

35069 ELIGIBILITY FOR REIMBURSEMENT

35069

(a) Agencies that choose to participate in this program shall:

- (1) Secure the ~~Department's~~ approval of operating costs as provided under Section 35071. (Continued)

Authority Cited: Sections 10553, 10554, 10850(d), 10852, and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections 10850(d) and 16116, Welfare and Institutions Code; and Sections ~~222/28/AY/ 224/70/AY/ 226/33/AY/ 229/20/ 229/30/ 229/40/AY/ 229/50/ 229/70/ and 1798.24(r) and (s), Civil Code;~~ and Sections 8706, 8817, 8909, 9201, 9202, 9203, 9204, and 9206, Family Code.

Amend Section 35073 to read:

35073 CLAIMING PROCEDURES (Continued)

35073

(c) Cooperative Placements: (Continued)

(d) Sibling Placements: (Continued)

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 16122, Welfare and Institutions Code.

Amend Section 35075 to read:

35075 REIMBURSEMENT CEILING (Continued)

35075

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 16122(b), Welfare and Institutions Code.

Amend Section 35077 to read:

35077 RECORDS RETENTION AND TIME LIMITATIONS FOR CLAIMING
 (Continued)

35077

(c) Time Limitations for Claiming: (Continued)

Authority Cited: Sections 10553, 10554 and 16118(a), Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 10853, Welfare and Institutions Code; Section 16304.1, Government Code; and 45 CFR, Part 95, Subpart A.

Amend Section 35129 to read:

35129 NUMBER OF INTERVIEWS FOR PARENTS CONSIDERING RELINQUISHMENT 35129
 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Section 8621, Family Code.

Reference: Section ~~722/10/ Civil~~ 8700, Family Code.

Amend Section 35131 to read:

35131 PRIOR TO ACCEPTING RELINQUISHMENT FOR CHILDREN
 UNDER THE ICWA (Continued)

35131

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Section 8621, Family Code.

Reference: Section ~~22210/ Civil~~ 8700, Family Code; and 25 USC Sections
 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, and 1917.

Amend Section 35133 to read:

35133 COUNSELING PRIOR TO ACCEPTING THE RELINQUISHMENT (Continued) 35133

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section ~~222/10/ Civil~~ 8700, Family Code.

Amend Section 35134 to read:

35134 CATEGORY OF PARENT AND COUNSELING SERVICES

35134

- (a) To a mother or a presumed father who has a legal right to physical custody of the child the agency shall:

(1) (Reserved)

HANDBOOK BEGINS HERE

- (1) The mother or presumed father who has been deprived of physical custody of the child by a juvenile court order can petition the juvenile court to obtain physical custody of the child. If he/ or she is successful, the agency cannot proceed with adoption planning.

HANDBOOK ENDS HERE

- (2) Inform the parent that he/ or she has the right to seek legal counsel to assist him/ or her in the relinquishment process: (Continued)
- (5) Provide counseling services as needed to assist the parent with his/ or her feelings regarding the child and the long-range implications of relinquishing the child for adoption. (Continued)
- (7) Advise the parent regarding the extent to which the agency will or will not allow his/ or her participation in the selection of the adoptive family. (Continued)

- (b) To a mother or a presumed father who has been deprived of physical custody of the child by juvenile court order and has not received family maintenance or family reunification services the agency shall:

(1) (Reserved)

HANDBOOK BEGINS HERE

- (1) The mother or presumed father who has been deprived of physical custody of the child by a juvenile court order and has not received family maintenance or family reunification services per Welfare and Institutions Code Sections 16501.1(b) and 16501.2 can petition the juvenile court to obtain physical custody of the child. If he/ or she is successful and wants to relinquish, the agency must proceed pursuant to the requirements of Section 35134(a).

HANDBOOK ENDS HERE

- (2) Inform the parent that he/ or she has the right to seek legal counsel to assist him/ or her in the relinquishment process. (Continued)
- (3) Discuss with the parent his/ or her legal rights to and responsibilities for the child and determine whether he/ or she wishes to resume responsibility for parenting the child.

- (4) Inform the parent who has indicated he/ or she wishes to resume responsibility for parenting the child of:
- (A) His/ or her right to seek legal counsel to obtain physical custody of the child and discuss services available to help him/ or her parent the child if he/ or she is successful.
 - (B) All available information regarding alternative plans for the child with a complete description of each alternative that is available if he/ or she is successful in obtaining physical custody including keeping the child, placement with extended family members, and/or foster care and reunification services.
 - (C) At least the following resources and that referral will be made when appropriate if he/ or she is successful in obtaining physical custody of the child: (Continued)
 - (D) His/ or her option of consenting to an independent adoption if he/ or she is successful in obtaining physical custody.
- (5) Provide counseling services, as needed, to assist the parent with his/ or her feelings regarding the child and the long-range implications of relinquishing the child for adoption.
- (6) Advise the parent regarding the extent to which the agency will or will not allow his/ or her participation in the selection of the adoptive family. (Continued)
- (c) To a mother or a presumed father who has been deprived of physical custody and who has received family maintenance and/or family reunification services and whose child has been referred by the juvenile court to the permanency planning program with a plan of adoption the agency shall:
- (1) (Reserved)

HANDBOOK BEGINS HERE

- (1) Emphasis on counseling services to this category of parent is to ensure that the parent understands the significance and finality of relinquishment and that the relinquishment is signed voluntarily. When the juvenile court has ordered the plan of adoption for the child after a permanency planning hearing, the parent has a right to relinquish the child. He/ or she also has a right not to relinquish the child and to force the agency to take legal action to attempt to terminate parental rights, which action can be contested and appealed by the parent. This parent cannot be assured of further services once the permanency planning hearing is held and the plan of adoption is ordered by the juvenile court. Therefore to offer and/or discuss services available to help the parent "keep" the child is inappropriate for this category of parent.

HANDBOOK ENDS HERE

- (2) Inform the parent that he/ or she has the right to seek legal counsel to assist him/ or her in the relinquishment process. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621, 8710, and 9202, Family Code.

Reference: Sections ~~222/10/ 222/13/ 222/20/ 222/26/ 229/30/~~ 1798.24(r)/ and (s), and 7017/ Civil Code; Sections 8608, 8700, 8701, 8702, 8703, 8704, 8706, 8708, 8709, 8710, 8711, 9202, 9203, 9204, and 9206, Family Code; Section 10850(b), Welfare and Institutions Code; and Section 10439, Health and Safety Code.

Amend Section 35135 to read:

35135 AGENCY DETERMINATIONS PRIOR TO ACCEPTING A
 RELINQUISHMENT (Continued)

35135

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Section 8621, Family Code.

Reference: Section ~~22210~~ ~~01711~~ 8700, Family Code.

Amend Section 35137 to read:

35137 ACCEPTING A RELINQUISHMENT AFTER EVALUATION

35137

(a) The agency shall accept the relinquishment: (Continued)

- (3) From a parent for whom the court has appointed a conservator only if the order of conservatorship specifically allows the parent to relinquish his/ or her child for adoption and the evaluation required at Section 35135(a)(5)(A) establishes the parent's ability to understand the content, nature, and effect of relinquishing the child to the agency for adoption.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section ~~22210/ 2111~~ 8700, Family Code.

Amend Section 35139 to read:

35139	ACCEPTING THE RELINQUISHMENT OF A NEWBORN NOT SUBJECT TO THE ICWA (Continued)	35139
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Authority Cited: Section 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section ~~222/10/ 01771~~ 8700, Family Code.

Amend Section 35141 to read:

35141 FILING OPTIONS FOR THE RELINQUISHING PARENT

35141

(a) The agency representative shall inform all parents: (Continued)

(3) That the parent is permitted to revoke his/ or her relinquishment at any time prior to the expiration of any holding period and at any time before the relinquishment form is filed by the department. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section ~~222/10/ 01411~~ 8700, Family Code.

Amend Section 35143 to read:

35143 RELINQUISHMENT FORM PROVIDED BY THE DEPARTMENT (Continued) 35143

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section 222/10/ 41411 8700, Family Code.

Amend Section 35145 to read:

35145 IDENTIFYING INFORMATION ON THE RELINQUISHMENT DOCUMENT 35145

(a) The relinquishment document shall provide for identification of:

(1) The child's:

(A) Name as identified on the birth certificate. (Continued)

(B) Sex.

(C) Birthdate. (Continued)

(2) The name of the relinquishing parent.

HANDBOOK BEGINS HERE

(A) The name of the parent includes all aliases used by the parent in legal transactions; e.g., the name on his/ or her driver's license, welfare check, social security card, veteran's or military documents and any other names by which the parent is known.

HANDBOOK ENDS HERE

(3) (Continued)

(b) When the relinquishing parent does not name the person or persons with whom he or she intends that placement of the child for adoption be made by the agency and the child is not subject to the Indian Child Welfare Act, the following relinquishment document shall be used for taking the relinquishment of:

(1) A Mother or Presumed Father not Denying Paternity:

(A) In California and signing relinquishment in presence of agency accepting relinquishment: AD 501.

(B) In California and signing relinquishment in presence of an agency different from the one accepting the relinquishment: AD 503.

(C) Not in California and not signing before military officer: AD 501A.

(D) Not in California and signing before military officer: AD 504.

(2) A Presumed Father Denying Paternity:

(A) In California and signing relinquishment in presence of agency accepting relinquishment: AD 585.

- (B) In California and signing relinquishment in presence of an agency different from the one accepting the relinquishment: AD 583.
 - (C) Not in California: AD 584.
 - (3) An Alleged Father not Denying Paternity:
 - (A) In California: AD 586.
 - (B) Not in California and not signing before military officer: AD 591.
 - (C) Not in California and signing before military officer: AD 593.
 - (4) An Alleged Father Denying Paternity: AD 588.
 - (5) An Alleged Father Waiving Right to Further Notice: AD 590.
- (c) When the relinquishing parent does not name the person or persons with whom he or she intends that placement of the child for adoption be made by the agency and the child is subject to the Indian Child Welfare Act, the following relinquishment document shall be used for taking the relinquishment of:
- (1) A Mother or Presumed Father not Denying Paternity:
 - (A) In California and signing relinquishment in presence of agency accepting relinquishment: AD 864.
 - (B) In California and signing relinquishment in presence of an agency different from the one accepting the relinquishment: AD 865.
 - (C) Not in California: AD 863.
 - (2) A Presumed Father Denying Paternity:
 - (A) In California and signing relinquishment in presence of agency accepting relinquishment: AD 866.
 - (B) In California and signing relinquishment in presence of an agency different from the one accepting the relinquishment: AD 873.
 - (C) Not in California: AD 867.
 - (3) An Alleged Father not Denying Paternity:
 - (A) In California: AD 868.
 - (B) Not in California: AD 862.
- (d) When the relinquishing parent names the person or persons with whom he or she intends that placement of the child for adoption be made by the agency the following relinquishment document shall be used for taking the relinquishment of:

- (1) A Mother or Presumed Father not Denying Paternity and not Subject to Indian Child Welfare Act:
 - (A) In California and signing relinquishment in presence of agency accepting relinquishment: AD 921.
- (2) An Alleged Father not Denying Paternity and not Subject to Indian Child Welfare Act:
 - (A) In California: AD 920. (Continued)

Authority Cited: Section 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section ~~222/10/ 01711~~ 8700, Family Code.

Amend Section 35147 to read:

35147 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE
 CHILD IS NOT SUBJECT TO THE ICWA (Continued)

35147

(b) In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following:

(1) For a mother or a presumed father who has a legal right to physical custody of the child: (Continued)

(I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)

2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~01111~~ Family Code Section 222/10 8700.

HANDBOOK BEGINS HERE

(i) The content of Subdivisions (e), (f) and (g) of ~~01111~~ Family Code Section 222/10 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

(J) (Continued)

(M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family.

(N) The parent may revoke the signed relinquishment during any holding period and before it is filed by the department and the agency will return the child to his/ or her custody. (Continued)

(P) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.

1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)

(R) The agency cannot release any identifying information about the parent unless: (Continued)

2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~01/11~~ Family Code Section ~~229/50~~ 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11~~ Family Code Section ~~229/50~~ 9204 is located at Section 35049(b) (4) (A).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/1~~ 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/1~~ 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with ~~01/11~~ Family Code Section ~~229/40/1~~ 9203.

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11~~ Family Code Section ~~229/40/1~~ 9204 is located at Section 35053(b) (1).

HANDBOOK ENDS HERE

(S) (Continued)

- (2) For a mother or a presumed father who has been deprived of physical custody of the child by juvenile court order and has not received family maintenance or family reunification services: (Continued)

(H) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)

2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of the Civil Code Section 222.10.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of the ~~01111~~ Family Code Section ~~222/10~~ 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

- (I) (Continued)
- (J) If the parent regains the right to physical custody of his/ or her child and chooses not to relinquish the child to the agency he/ or she may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them and consenting to their adoption of the child. (Continued)
- (M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family. (Continued)
- (P) If the parent wants the right to physical custody of the child returned, he/ or she must obtain a juvenile court order granting him/ or her physical custody of the child. (Continued)
- (R) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)
- (T) The agency cannot release any identifying information about the parent unless: (Continued)
2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~01111~~ Family Code Section ~~229/30~~ 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~01111~~ Family Code Section ~~229/30~~ 9204 is located at Section 35049(b)(4) (~~PA~~).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~01/11/11~~ Family Code Section ~~229/40/11~~ 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~01/11/11~~ Family Code Section ~~229/40/11~~ 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with ~~01/11/11~~ Family Code Section ~~229/40/11~~ 9203.

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11/11~~ Family Code Section ~~229/40/11~~ 9203 is located at Section 35053(b) (1).

HANDBOOK ENDS HERE

(U) (Continued)

- (3) For a mother or a presumed father who has been deprived of physical custody and has received family maintenance and/or family reunification services and whose child has been referred by the juvenile court to the permanency planning program with a plan of adoption: (Continued)
- (J) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)
2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~01/11/11~~ Family Code Section ~~222/10~~ 8700.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of ~~01/11/11~~ Family Code Section ~~222/10~~ 8700 is located at Section 35167(b) (1).

HANDBOOK ENDS HERE

(K) (Continued)

- (M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family. (Continued)
- (P) If the parent wants the right to physical custody of the child returned, he/ or she must obtain a juvenile court order granting him/ or her the right to physical custody of the child. (Continued)
- (R) If the parent regains the right to physical custody of the child and chooses not to relinquish the child to the agency, he/ or she may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them and consenting to their adoption. (Continued)
- (T) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)
- (V) The agency cannot release any identifying information about the parent unless:
2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~01/11~~ Family Code Section ~~229/50~~ 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11~~ Family Code Section ~~229/50~~ 9204 is located at Section 35049(b) (4) (A).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/41~~ 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/41~~ 9203, or

5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with 01/11 Family Code Section 229/40/21 9203.

HANDBOOK BEGINS HERE

- (i) The content of 01/11 Family Code Section 229/40/21 9203, is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

(W) (Continued)

- (4) For an alleged natural father who relinquishes his child: (Continued)

(H) When he relinquishes a child, he gives up the care, custody and control of the child to the adoption agency. (Continued)

2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of 01/11 Family Code Section 222/10 8700.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of 01/11 Family Code Section 222/10 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

(I) (Continued)

(O) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family. (Continued)

(U) The agency cannot release any identifying information about him unless: (Continued)

2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with 01/11 Family Code Section 229/50 9204, or

HANDBOOK BEGINS HERE

- (i) The content of 01/11 Family Code Section 229/50 9204 is located at Section 35049(b)(4) (A).

HANDBOOK ENDS HERE

Amend Section 35148 to read:

35148 STATEMENT OF UNDERSTANDING FOR THE PARENT WHOSE
 CHILD IS SUBJECT TO THE ICWA (Continued)

35148

(b) In addition to the filing options described in Section 35141, the Statement of Understanding shall contain statements which summarize the following:

(1) For a mother or a presumed father who has a legal right to physical custody of the child: (Continued)

(I) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)

2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~§1711~~ Family Code Section ~~222/10~~ 8700.

HANDBOOK BEGINS HERE

(i) The content of Subdivisions (e), (f) and (g) of ~~§1711~~ Family Code Section ~~222/10~~ 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

(J) (Continued)

(M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family.

HANDBOOK BEGINS HERE

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his/ or her status as an Indian are unaffected. See Subchapter 8.

HANDBOOK ENDS HERE

(N) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.

1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)
- (P) The agency cannot release any identifying information about the parent unless: (Continued)
2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~01/11/11~~ Family Code Section ~~229/30~~ 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11/11~~ Family Code Section ~~229/30~~ 9204 is located at Section 35049(b) (4) (~~PA~~).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~01/11/11~~ Family Code Section ~~229/40/AY~~ 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~01/11/11~~ Family Code Section ~~229/40/AY~~ 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with ~~01/11/11~~ Family Code Section ~~229/40/AY~~ 9203.

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11/11~~ Family Code Section ~~229/40/AY~~ 9203, is located at Section 35053(b) (1).

HANDBOOK ENDS HERE

- (Q) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his/ or her tribal relationship. (Continued)
- (W) Upon the request of a parent who gave physical custody of the child to the agency to revoke or rescind his/ or her relinquishment, the agency will return the child to his/ or her custody. (Continued)
- (X) The parent will be notified if any other parent revokes or rescinds his/ or her relinquishment and of any court proceedings resulting from the revocation or rescission.
1. The parent is responsible for keeping his/ or her name and address current with the agency so notice can be given. (Continued)
- (Z) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his/ or her name and address current with the agency so notice can be given. (Continued)
- (BB) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian Blood for the child, to enroll the child in his/ or her tribe or to register him/ or her for any Bureau of Indian Affairs' benefits which he/ or she may be eligible. (Continued)
- (2) For a mother or a presumed father who has been deprived of physical custody of the child by juvenile court order and has not received family maintenance or family reunification services: (Continued)
- (H) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)
2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~§1711~~ Family Code Section 222.10 8700.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of ~~§1711~~ Family Code Section 222.10 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

- (I) (Continued)

- (J) If the parent regains the right to physical custody of his/ or her child and chooses not to relinquish the child to the agency he/ or she may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them and consenting to their adoption of the child. (Continued)
- (M) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family.

HANDBOOK BEGINS HERE

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his/ or her status as an Indian are unaffected. See Subchapter 8.

HANDBOOK ENDS HERE

- (N) If the parent wants the right to physical custody of the child returned, he/ or she must obtain a juvenile court order granting him/ or her the right to physical custody of the child. (Continued)
- (P) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.
1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)
- (R) The agency cannot release any identifying information about the parent unless: (Continued)
2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~§ 14-11~~ Family Code Section ~~229-30~~ 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~§ 14-11~~ Family Code Section ~~229-30~~ 9204 is located at Section 35049(b)(4) (PA).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with 01/11/11 Family Code Section 229/40/11 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with 01/11/11 Family Code Section 229/40/11 9203, or
5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with 01/11/11 Family Code Section 229/40/11 9203.

HANDBOOK BEGINS HERE

- (i) The content of 01/11/11 Family Code Section 229/40/11 9203, is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

(S) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his/ or her tribal relationship. (Continued)

(Y) If a relinquishment for adoption is revoked or rescinded by a parent who has been denied the right to physical custody of the child by a court order, the agency shall: (Continued)

2. Notify any other parents whose relinquishment has been filed by the department of the revocation or rescission of the relinquishment and of any planned court proceedings resulting from the request.

- (i) The parent is responsible for keeping his/ or her name and address current with the agency so notice can be given. (Continued)

(AA) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.

1. The parent is responsible for keeping his/ or her name and address current with the agency so notice can be given.
(Continued)

(CC) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian Blood for the child, to enroll the child in his/ or her tribe or to register him/ or her for any Bureau of Indian Affairs' benefits which he/ or she may be eligible.
(Continued)

(3) For a mother or a presumed father who has been deprived of physical custody and has received family maintenance and/or family reunification services and whose child has been referred by the juvenile court to the permanency planning program with a plan of adoption: (Continued)

(J) A parent who relinquishes a child gives up the care, custody and control of the child to the adoption agency. (Continued)

2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~§1171~~ Family Code Section ~~222/10~~ 8700.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of ~~§1171~~ Family Code Section ~~222/10~~ 8700 is located at Section 35167 (b) (1).

HANDBOOK ENDS HERE

(K) (Continued)

(L) If the parent regains the right to physical custody of his/ or her child and chooses not to relinquish the child to the agency he/ or she may arrange for the child's adoption by independently choosing adoptive parents, placing the child with them and consenting to their adoption of the child. (Continued)

(O) Adoption terminates any inheritance from the parents or blood relatives to the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family.

HANDBOOK BEGINS HERE

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his/ or her status as an Indian are unaffected. See Subchapter 8.

HANDBOOK ENDS HERE

(P) If the parent wants the right to physical custody of the child returned, he/ or she must obtain a juvenile court order granting him/ or her the right to physical custody of the child.
(Continued)

(R) The agency is required to give the parent all known information about the status of the child's adoption including whether the child has been placed for adoption, the approximate date the adoption was completed and, if the adoption was not completed or was vacated for any reason, whether adoptive placement of the child is again being considered.

1. The parent must keep the agency informed of his/ or her current whereabouts if he/ or she wants to know when the child is placed in an adoptive home and when the child is legally adopted. (Continued)

(T) The agency cannot release any identifying information about the parent unless: (Continued)

2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~01/11~~ Family Code Section ~~229/30~~ 9204, or

HANDBOOK BEGINS HERE

(i) The content of ~~01/11~~ Family Code Section ~~229/30~~ 9204 is located at Section 35049(b)(4) (~~PA~~).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/41~~ 9203, or

4. The birth parent of an adopted person who has reached the age of 21 has requested the name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~01/11~~ Family Code Section ~~229/40/41~~ 9203, or

5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with ~~01/11~~ Family Code Section ~~229/40/41~~ 9203.

HANDBOOK BEGINS HERE

- (i) The content of ~~01/11~~ Family Code Section ~~229/40/11~~ 9203, is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

- (U) Information regarding the adoption may be released as follows:
1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his/ or her tribal relationship. (Continued)
- (AA) If a relinquishment for adoption is revoked or rescinded by a parent who has been denied the right to physical custody of the child by a court order, the agency shall: (Continued)
2. Notify any other parents whose relinquishment has been filed by the department of the revocation or rescission of the relinquishment and of any planned court proceedings resulting from the request.
 - (i) The parent is responsible for keeping his/ or her name and address current with the agency so that notice can be given. (Continued)
- (CC) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.
1. The parent is responsible for keeping his/ or her name and address current with the agency so that notice can be given. (Continued)
- (EE) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian Blood for the child, to enroll the child in his/ or her tribe or to register him/ or her for any Bureau of Indian Affairs' benefits which he/ or she may be eligible. (Continued)
- (4) For an alleged natural father who relinquishes his child and whose child is subject to the ICWA through the mother's tribe: (Continued)
- (I) When he relinquishes a child, he gives up the care, custody and control of the child to the adoption agency. (Continued)
2. If the parent signs a relinquishment document that names the adopting parents, the parent has the rights and responsibilities specified in Subdivisions (e), (f) and (g) of ~~01/11~~ Family Code Section ~~222/10~~ 8700.

HANDBOOK BEGINS HERE

- (i) The content of Subdivisions (e), (f) and (g) of ~~0111~~ Family Code Section 222/10 8700 is located at Section 35167(b)(1).

HANDBOOK ENDS HERE

(J) (Continued)

- (Q) Adoption terminates any inheritance from the parents or blood relatives of the child unless they make specific provision for the child by will or by trust; the child legally inherits from his/ or her adoptive family.

HANDBOOK BEGINS HERE

1. The adoption of an Indian child terminates inheritance from the biological parents or blood relatives to the child; however, any rights or benefits the child has or may be eligible for as a result of his/ or her status as an Indian are unaffected. See Subchapter 8.

HANDBOOK ENDS HERE

(R) (Continued)

- (T) The agency cannot release any identifying information about him unless: (Continued)
2. The adult adoptee and birth parent both sign written consents to arrange contact between these persons in accordance with ~~0111~~ Family Code Section 229/50 9204, or

HANDBOOK BEGINS HERE

- (i) The content of ~~0111~~ Family Code Section 229/50 9204 is located at Section 35049(b)(4) (~~PA~~).

HANDBOOK ENDS HERE

3. The adoptee who has reached the age of 21 has requested the identity of his/ or her birth parent and his/ or her most current address as indicated in the agency's records if the birth parent has indicated consent to the disclosure in writing in accordance with ~~0111~~ Family Code Section 229/40/21 9203, or
4. The birth parent of an adopted person who has reached the age of 21 has requested the adopted name of the adoptee and most current address as shown in the agency's records if the adult adoptee has indicated consent to the disclosure in writing in accordance with ~~0111~~ Family Code Section 229/40/21 9203, or

5. The adoptive parent of an adopted person under 21 years of age has requested the identity of the birth parent and his/ or her most current address as shown in the agency's records if there is a finding by the agency a necessity or other extraordinary circumstance justifies the disclosure in accordance with ~~01711~~ Family Code Section ~~229/40/41~~ 9203.

HANDBOOK BEGINS HERE

- (i) The content of ~~01711~~ Family Code Section ~~229/40/41~~ 9203, is located at Section 35053(b)(1).

HANDBOOK ENDS HERE

- (U) Information regarding the adoption may be released as follows:

1. The adopted child who has reached age 18 may request and receive from the court which granted the adoption information regarding the tribal affiliation of the birth parent and any other information necessary to protect any rights the adopted child may have with regard to his/ or her tribal relationship. (Continued)

- (AA) Upon the request of a parent who gave physical custody of the child to the agency to revoke or rescind his/ or her relinquishment, the agency will return the child to his/ or her custody. (Continued)

- (DD) The agency shall notify the parent if the adoption petition is withdrawn, dismissed, or denied or if the adoption is set aside.

1. The parent is responsible for keeping his/ or her name and address current with the agency so notice can be given. (Continued)

- (GG) The agency shall take the necessary steps to obtain a Certificate of Degree of Indian blood for the child, to enroll the child in his/ or her tribe or to register him/ or her for any Bureau of Indian Affairs' benefits which he/ or she may be eligible. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8621 and 9202, Family Code.

Reference: Sections 221/40/ 221/74/ 221/76/ 222/10/ 222/13/ 222/13/ 222/20/ 222/26/ 229/20/ 229/30/ 229/40/41/ 229/30/ and 7017/ 3010, 7601, 7602, 7610, 7611, 7612, 7660, 7661, 7662, 7663, 7664, 7665, 8600, 8601, 8604, 8605, 8606, 8608, 8616, 8617, 8618, 8619, 8700, 8701, 8702, 8704, 8706, 8708, 9100, 9201, 9202, 9203, 9204, 9205, and 9206, Family Code; Sections 1798.24(r) and (s), Civil Code; Sections 6408 and 6408.5, Probate Code; Section 621, Evidence Code; Section 16507.5, Welfare and Institutions Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, and 1917.

Amend Section 35149 to read:

35149 ACCEPTING THE STATEMENT OF UNDERSTANDING

35149

(a) The agency shall accept the parent's Statement of Understanding as follows:
(Continued)

(2) The Agency shall obtain the parent's signature on the Statement of Understanding after he/ or she has:

(A) Indicated his/ or her understanding of the relinquishment process by reading and initialing each explanatory statement on the Statement of Understanding form.

(B) Indicated his/ or her preference regarding options for the filing of the relinquishment form.

(3) The Statement of Understanding shall be signed: (Continued)

(B) In the presence of an authorized child welfare services agency representative or before a notary public, if signed out-of- state pursuant to ~~07/11~~ Family Code Section ~~222/10~~ 8700(c).

HANDBOOK BEGINS HERE

1. ~~07/11~~ Family Code Section ~~222/10~~ 8700(c), ~~in pertinent part,~~ reads as follows:

"~~///~~ (c) If a birth ~~father or mother of a child~~ parent resides outside ~~the state of California~~ this state and the child is being cared for and is placed for adoption by a licensed adoption agency, the birth ~~father or mother~~ parent may relinquish the child to the agency by a written statement signed by the birth ~~father or mother~~ parent before a notary on a form prescribed by the agency, and previously signed by an authorized official of the agency, which signifies the willingness of the agency to accept the relinquishment."~~///~~ (Continued)

HANDBOOK ENDS HERE

(C) Before an official of the U.S. Consulate or Embassy in the foreign country, if any, or the staff of the U.S. Section of the Embassy of a neutral country.

HANDBOOK BEGINS HERE

1. (Continued)

2. One Statement of Understanding may be signed by the parent for the relinquishment of more than one child if the status of the parent-child relationship is the same for all children relinquished; e.g., the parent has physical custody of all the children he/ or she relinquishes or a father is the presumed father of all the children he relinquishes. (Continued)

HANDBOOK ENDS HERE

(4) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section ~~22210~~ ~~01411~~ 8700(c) Family Code; and 25 USC Sections 1903(1) and 1913.

Amend Section 35151 to read:

35151 ACCEPTING THE RELINQUISHMENT DOCUMENT

35151

(a) The agency shall accept the parent's relinquishment document as follows:
(Continued)

(2) The relinquishment document shall be signed: (Continued)

(C) In the presence of an authorized child welfare services agency representative or before a notary public if accepted from out-of-state pursuant to ~~§ 1711~~ Family Code Section ~~222/10~~ 8700(c).

HANDBOOK BEGINS HERE

1. ~~§ 1711~~ Family Code Section ~~222/10~~ 8700(c) is located at Section 35149(a)(3)(B)1. (Continued)

HANDBOOK ENDS HERE

(D) (Continued)

(3) At the time the relinquishment document for adoption is signed, the agency shall:

(A) Present to the parent the statements required by ~~§ 1711~~ Family Code Section ~~222/10~~ 8702 and obtain a response from the parent in writing and the parent's signature on the form.

HANDBOOK BEGINS HERE

1. (Continued)

2. ~~§ 1711~~ Family Code Section ~~222/10~~ 8702 reads as follows:

"(a) The department shall adopt a statement to be presented to the birth parents at the time ~~the~~ a relinquishment is signed and to prospective adoptive parents at the time of the home study. ~~which~~ The statement shall, in a clear and concise manner/ and in words calculated to ~~assure~~ ensure the confidence of the birth parents in the integrity of the adoption process, communicate to the birth parents of a child who is the subject of an adoption petition all of the following facts:

"(1) It is in the best interest of the child's best interest that the birth parent keep the department or the licensed adoption agency to whom the child was relinquished for adoption informed of any health problems that the parent develops that could affect the child.

"(2) It is extremely important that the birth parent keep his or her address current with the department or the licensed adoption agency to whom the child was relinquished for adoption in order to permit a response to any inquiries for the child's medical or social history.

"(3) Section 229/40 9203 of the Family Code authorizes a person who has been adopted and who attains the age of 21 to request the department or the licensed adoption agency to disclose the name and address of the adoptee's birth parents. Consequently, it is of the utmost importance that the birth parent indicate whether or not he or she wishes to allow this disclosure by checking the appropriate box provided on the form.

"(4) The birth parent may change his or her decision as to whether or not to disclose the birth parent's name and address to the department, at any time, by sending a notarized letter to that effect, by certified mail, return receipt requested, joined in the petition for adoption.

"(5) The relinquishment will be filed in the office of the county clerk of the county in which the adoption takes place. The file is not open to inspection by any persons other than the parties to the adoption proceedings, their attorneys, and the department, except upon order of the judge of the superior court.

"(b) The department shall adopt a form to be signed by the birth parents at the time the relinquishment is signed which shall provide as follows:

"Section 229/40 9203 of the Family Code authorizes a person who has been adopted and who attains the age of 21 to request the department or the licensed adoption agency that joined in the adoption petition, for his or her name and address of the adoptee's birth parent. Indicate by checking one of the boxes below whether or not you wish your name and address to be disclosed:

[] YES

[] NO

[] UNCERTAIN AT THIS TIME; WILL NOTIFY AGENCY AT LATER DATE"

HANDBOOK ENDS HERE

- (B) Advise the parent of the provisions of ~~01711~~ Family Code Section 222.13 8701.

HANDBOOK BEGINS HERE

1. ~~01711~~ Family Code Section 222.13 8701 reads as follows:

~~"On~~ At or before the time a relinquishment is signed, the ~~birth parent signing the relinquishment shall be advised verbally and in writing by the department or the licensed adoption agency/ that he or she may/~~ department or licensed adoption agency shall advise the birth parent signing the relinquishment, verbally and in writing, that the birth parent may, at any time in the future, request from the department or agency all known information about the status of the child's adoption, except for personal, identifying information about the adoptive family. The birth parent shall be advised that this information includes, but is not limited to, all of the following:

"(1a) Whether the child has been placed for adoption/.

"(1b) The approximate date that an adoption was completed/ and.

"(1c) If the adoption was not completed or was vacated, for any reason, whether adoptive placement of the child is again being considered." (Continued)

HANDBOOK ENDS HERE

- (C) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Sections ~~222.10 and 222.13/ 01711~~ 8700, 8701, and 8702, Family Code; and 25 USC Sections 1903(1) and 1913.

Amend Section 35153 to read:

35153 SUBMITTING THE RELINQUISHMENT FORM TO THE
 DEPARTMENT (Continued)

35153

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Section 8621, Family Code.

Reference: Section ~~222/10/ 01711~~ 8700, Family Code.

35155

Reference: Section 222/10/ 01411 8700, Family Code.

Amend Section 35156 to read:

35156 ADDITIONAL REQUIREMENT IF RELINQUISHED CHILD IS NOT
 PLACED FOR ADOPTION

35156

- (a) If a relinquishment document names the person or persons with whom the relinquishing parent intends that placement of the child for adoption be made by the agency and the agency decides not to place the child for adoption with the named person or persons, the agency shall notify the relinquishing parent naming the person or persons that the placement will not be made and of his or her right to rescind the relinquishment and reclaim the child as required by ~~Civil~~ Family Code Section ~~222/10~~ 8700 Subdivision (f).

HANDBOOK BEGINS HERE

- (1) ~~Civil~~ Family Code Section ~~222/10~~ 8700 Subdivision (f) reads as follows:

"(f) Notwithstanding subdivision (d), if the relinquishment names the person or persons with whom placement by the department or licensed adoption agency is intended and the child is not placed in the home of the named person or persons or the child is removed from the home prior to the granting of the adoption, the department or, ~~licensed adoption~~ agency shall mail a notice by certified mail, return receipt requested, to the birth parent signing the relinquishment within 72 hours of the decision not to place the child for adoption or the decision to remove the child from the home."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section ~~222/10~~ Civil 8700, Family Code.

Amend Section 35157 to read:

35157 EXPRESSION OF INTENT TO REVOKE RELINQUISHMENT (Continued) 35157

(b) An oral or written declaration by the relinquishing parent, after the relinquishment has been signed but not filed with the department, that he/ or she wishes to revoke the relinquishment and/or to have the relinquished child returned, shall be treated as an expression of intent to revoke the relinquishment.

(1) Upon receipt of such declaration the agency shall:

(A) Cease all adoptive planning for the child.

(B) Give the parent a revocation form prescribed by the department (AD 4317).

(C) Advise the parent that he/ or she has 14 days from the date the agency provides the revocation form in which to provide the agency with a written request for revocation. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/10/ 01411~~ 8700, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35159 to read:

35159 PROCEDURES FOR RETURN OF THE CHILD TO PARENT WHO
 GAVE PHYSICAL CUSTODY

35159

- (a) The agency shall return the child to the relinquishing parent who gave physical custody of the child to the agency within a period not to exceed seven working days following receipt of the parent's completed revocation form. (Continued)
- (3) The agency shall obtain a signed statement from the revoking parent that physical custody of the child has been returned to him/ or her. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/10/ 01411~~ 8700, Family Code.

Amend Section 35161 to read:

35161 REVOCATION BY PARENT WHO DID NOT GIVE PHYSICAL CUSTODY 35161
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Section ~~222/10/ 01711~~ 8700, Family Code; and 25 U.S.C 1901 et
seq.

35163 TREATMENT OF REVOKED RELINQUISHMENT FORM (Continued) 35163

Reference: Section 222/10/ 4141 8700, Family Code.

Amend Section 35165 to read:

35165 PROCEDURES WHEN THE AGENCY REFUSED TO RETURN CHILD

35165

(a) If the child is a dependent of the court, or the agency believes return of the child would place the child in danger of neglect, cruelty, depravity, or physical abuse the agency shall:

- (1) Make an immediate referral to the appropriate county child welfare services unit. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/10/ 01711~~ 8700, Family Code.

Amend Section 35167 to read:

35167 AUTHORITY FOR RESCISSION (Continued)

35167

- (b) A relinquishment which has been filed with the department shall be rescinded only as specified at ~~01711~~ Family Code Section ~~222/10~~ 8700.

HANDBOOK BEGINS HERE

- (1) ~~01711~~ Family Code Section ~~222/10~~ 8700, in pertinent part, reads as follows: (Continued)

"(g) The birth parent shall have 30 days from the date on which the notice was mailed to rescind the relinquishment.

"(i) If the birth parent requests rescission during the 30-day period, the department or licensed adoption agency shall rescind the relinquishment.

"(ii) If the birth parent does not request rescission during the 30-day period, the department or licensed adoption agency shall select adoptive parents for the child.

"(iii) If the birth parent and adoption agency wish to identify a different person or persons during the 30-day period with whom the child is intended to be placed, the initial relinquishment shall be rescinded and a new relinquishment identifying the person or persons completed. (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/10~~ 01711 8700, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35169 to read:

35169 EXPRESSION OF INTENT TO RESCIND RELINQUISHMENT (Continued) 35169

- (b) The agency shall treat a written or oral declaration by the relinquishing parent, after the relinquishment has been filed with the department, that he/ or she wishes to rescind his/ or her relinquishment and/or to have the child returned, as a request for rescission.
- (1) Upon such written or oral declaration by the parent, the agency shall:
- (A) Cease adoptive planning until the agency reaches a decision regarding the request.
 - (B) Advise the parent that he/ or she has 14 days from the date the agency provides the rescission form in which to request the rescission in writing.
 - (C) Give the parent a rescission form (AD 508) prescribed by the department.
 - (D) Specify the date by which the parent must return the rescission form to the agency. (Continued)
- (2) If the agency agrees to rescind the relinquishment, the agency shall:
- (A) Mutually agree with the parent regarding the time and place for return of the child. (Continued)
 - (B) Mark "VOID" on all copies of the relinquishment form signed by the rescinding parent.
 - (C) File the rescinded relinquishment in the case record.
 - (D) Obtain a signed statement from the rescinding parent that physical custody of the child was returned to him/ or her.
 - (E) Notify any other relinquishing parent of the rescission and inform him/ or her that he/ or she may also rescind his/ or her relinquishment.
 - (F) Notify the department of the rescission within three working days from the date the agency agrees to the rescission. (Continued)
- (3) If the agency's decision is not to rescind, the agency shall:
- (A) Have the decision reviewed by the agency director or his/ or her designee.
 - (B) Provide a copy of the agency's decision not to rescind the relinquishment and the reasons for the agency's decision to the rescinding parent within three working days of the agency's decision.

(C) Send a copy of the agency's decision to the department within three working days of the agency's decision. (Continued)

- (c) Notwithstanding Section 35169(b), the agency shall rescind the relinquishment of any parent who, having been notified as provided in ~~§ 1711~~ Family Code Section ~~222.10~~ 8700(f), delivers, or has delivered by mail or other method, before the end of the 30-day period beginning on the day after the notice was mailed a written request to the agency stating that he or she wishes to rescind his or her relinquishment and/or have the child returned. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222.10/ § 1711~~ 8700, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35171 to read:

35171 CONTENT OF WRITTEN ASSESSMENT OF THE CHILD (Continued) 35171

(b) The agency shall assess each child accepted for adoption services. The assessment shall be in writing and shall include but not be limited to:

- (1) Identification of the child, including the child's:
 - (A) Sex.
 - (B) Age.
 - (C) Race.
 - (D) Ethnicity.
- (2) Developmental and behavioral history, including developmental assessment for a child 0-4 years of age.
- (3) Scholastic history and evaluation, when it exists.
- (4) Family life history.
- (5) The results of a psychological evaluation for children 0-4 years of age, when it exists.
 - (A) The agency shall obtain the results of a psychological evaluation for a child over the age of 4 years when there is an indication that such an evaluation is necessary as determined by either:
 1. The agency's review of the child's history which indicates a genetic predisposition for mental illness/, or
(Continued)
- (6) Designation of the child as AAP eligible, when applicable, and the reasons for such a designation.
- (7) Religion. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code.

Reference: Sections 8608, 8706, 8715, and 9100, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35173 to read:

35173 DOCUMENTS, REPORTS AND AUTHORIZATIONS REQUIRED FOR ASSESSMENT 35173
OF THE CHILD (Continued)

(b) The agency shall obtain:

- (1) A certified copy of the child's birth certificate.
- (2) Complete information regarding the legal status of the child.
- (3) Medical reports.
 - (A) The information contained in the medical report shall be sufficient to enable the agency to comply with the requirements of Ill Family Code Section 222/28(a) 8706 as set forth at Section 35209(a)(1).
- (4) Dental reports, when they exist.
- (5) Authorizations for the release of:
 - (A) Medical information.
 - (B) Dental reports, when relevant.
 - (C) Scholastic information, if relevant.
 - (D) Psychological information, if relevant.
 - (E) Medical, psychological and social information on birth parents.
- (6) Authorization for the child's medical care prior to relinquishment.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 222/28(b) Ill 8608 and 8621, Family Code.

Reference: Sections 222/28(a) and 222/75 Ill 8608, 8706, and 8715, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35175 to read:

35175 SERVICES FOR CHILDREN ACCEPTED FOR ADOPTION PLANNING 35175

- (a) The agency shall provide services to children who are accepted for adoption planning, including but not limited to:
- (1) Preventive and remedial medical care, including mental health services.
 - (2) Obtaining medical reports and the medical background of the child.
 - (3) Services pertaining to the placement of the child for adoption, the emotional preparation of the child for adoption and working through losses and separations.
 - (4) Services pertaining to supervision of the adoptive placement.
 - (5) Preparation and completion of the Adoption Placement Agreement.
 - (6) Preparation and completion of the Adoption Assistance Agreement, when necessary.
 - (7) Determination of the AAP payment level, when necessary.
 - (8) Recertification of the Adoption Assistance Agreement, when necessary.
(Continued)

Authority Cited: Sections 10553 and 16118, Welfare and Institutions Code; ~~and~~ Section 1530, ~~Civil~~ Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222/20/~~ ~~222/20/21/~~ ~~222/25/~~ ~~and~~ ~~222/75/~~ ~~Civil~~ 8704, 8706, 8708, and 8715, Family Code.

Amend Section 35177 to read:

35177 REQUIREMENT FOR WRITTEN APPLICATION

35177

(a) The agency shall require a written application prior to conducting an assessment of the applicant.

Authority Cited: Section 10533, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/20/ 01711~~ 8704, Family Code.

Amend Section 35183 to read:

35183 ASSESSMENT OF APPLICANT AND AUTHORITY FOR DISAPPROVAL
 (Continued)

35183

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
 Section 1530, Health and Safety Code; and Section 8621, Family
 Code.

Reference: Section ~~22275/ 22277~~ 8715, Family Code.

Amend Section 35185 to read:

35185 INTERVIEWS DURING ASSESSMENT

35185

(a) The assessment shall include:

- (1) At least one interview with the applicant in the home of the applicant.
- (2) Separate interviews with each applicant.
- (3) A joint interview when there is more than one applicant.
- (4) Interviews with all other individuals residing in the home.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Section ~~222.75/ 41411~~ 8715, Family Code.

Amend Section 35187 to read:

35187 EXCEPTIONS TO ASSESSMENT INTERVIEW REQUIREMENTS (Continued) 35187

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
 Section 1530, Health and Safety Code; and Section 8621, Family
 Code.

Reference: Section ~~222/75/ 01/11~~ 8715, Family Code.

Amend Section 35189 to read:

35189 IDENTIFYING INFORMATION AND EVALUATION OF
CHARACTERISTICS OF APPLICANT

35189

(a) The assessment of an applicant shall include:

- (1) Obtaining the following identifying information on the applicant and any children and adults residing in the home:
 - (A) Name, date of birth, and sex.
 - (B) Current address and telephone number.
 - (C) Blood relationship to child, if any.
 - (D) Race and ethnic background information.
 - (E) Religion.
 - (F) Current employment information.
 - (G) Verification of marital status, if relevant.
 1. Verification of termination of all prior marriages.
(Continued)
- (2) Evaluation of the following for the applicant and any children and adults residing in the home:
 - (A) General characteristics.

HANDBOOK BEGINS HERE

1. ~~General characteristics include:~~
 - ~~/1/~~ The manner in which the applicant has dealt with difficult or stressful life situations.
 - ~~/11/~~ 2. Relationships within the applicant's family.
 - ~~/111/~~ 3. Ability to assume responsibility for the care, guidance, and protection of a child.
 - ~~/111/~~ 4. Emotional flexibility and stability.
 - ~~/11/~~ 5. Self-esteem.
 - ~~/111/~~ 6. Coping ability.
 - ~~/1111/~~ 7. The manner in which normal hazards and risks are accepted.
 - ~~/11111/~~ 8. Motivation for adoption.

- ~~/X/~~ 9. Ability to have a parent-child relationship and to enjoy a child.
- ~~/X/~~ 10. Flexibility regarding the applicant's expectations of a child.
211. Feelings and attitudes regarding:
- (i) Inability of the applicant to conceive children when this is a factor in the application.
 - (ii) Birth parents.
 - (iii) Sexuality.
 - (iv) Children who have been physically or emotional neglected, physically or sexually abused, or abandoned.
 - (v) Sharing the facts surrounding the adoption with the adopted child.
 - (vi) Children who have physical, emotional and/or mental handicaps.
 - (vii) The search for birth parents or other birth relatives by the adoptee.
 - (viii) The search for the adoptee by birth parents or other birth relatives.
 - (ix) Sensitivity to other ethnic, racial and cultural groups. (Continued)

HANDBOOK ENDS HERE

(B) Social background.

HANDBOOK BEGINS HERE

1. Participation in community activities.
2. Peer relationships.

HANDBOOK ENDS HERE

- (C) Educational background.
- (D) Financial stability.
- (E) Work adjustment.
- (F) Adequacy of housing.

HANDBOOK BEGINS HERE

1. Evaluation of adequacy of housing may include evaluation of the following:
 - (i) Sanitation.
 - (ii) Safety.
 - (iii) Sleeping accommodations. (Continued)

HANDBOOK ENDS HERE

137 Evaluation of

- (AG) The full state criminal record, if any, of the applicant and if required by Section 35195(a)(8) the FBI criminal record, if any, from the DOJ.

HANDBOOK BEGINS HERE

1. ~~Civil~~ Family Code Section ~~222/40/~~ in pertinent part/ 8712(b) reads as follows:

"~~///~~ (b) The criminal record, if any, shall be taken into consideration when evaluating ~~a~~ the prospective adoptive parent, and an assessment of the effects of ~~his or her~~ any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court.~~///~~"

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222/35/~~ ~~222/40/~~ ~~and~~ ~~222/75/~~ ~~Civil~~ 8708, 8712, 8715, Family Code.

Amend Section 35191 to read:

35191 INFORMATION AND STATEMENT TO BE PROVIDED TO THE
ADOPTIVE APPLICANT (Continued)

35191

(b) The agency shall inform the applicant of the following:

- (1) The availability of a grievance review process through the agency.
- (2) The requirements of ~~Civil~~ Family Code Section ~~222/15~~ 8702 as set forth at Section 35151(a)(3)(A)2.
 - (A) The agency shall provide the adoptive applicant with a copy of the Adoptions Information Act Statement.

HANDBOOK BEGINS HERE

1. This is form AD 908.

HANDBOOK ENDS HERE

- (3) Laws relating to the sharing of medical information.
- (4) Laws pertaining to reunion.

HANDBOOK BEGINS HERE

- (A) "Reunion" refers to postadoption contact as authorized by ~~Civil~~ Family Code Sections ~~229/40/ 229/50/ and 229/60~~ 9203, 9204, and 9205.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code.

Reference: Sections ~~222/15/ 222/20/ 229/30/ 229/40/ 229/50/ and 229/60/~~ Civil 8608, 8702, 8706, 9203, 9204, and 9205, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35193 to read:

35193 INFORMATION AND SERVICES TO BE PROVIDED TO ADOPTIVE
 APPLICANT (Continued)

35193

(b) Services provided to adoptive applicants shall include but not be limited to:

- (1) Information and counseling regarding the approximate time it may take to complete the adoption process.
- (2) Information regarding statutory and regulatory requirements for adoptions.
- (3) Information and counseling regarding the necessity for a community care facility license in the event that a child is placed who has not been legally freed for adoption.
- (4) Information and counseling regarding children available for adoption through the agency.
- (5) Information regarding agency fees.
- (6) Information about the availability of national, state and local adoption exchanges and photo-listing albums. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Sections 8608 and 8621, Family Code.

Reference: Sections ~~222/20/ 222/28/ 222/30/ 222/40/ 222/50/ 222/72/ 222/75/ 222/77/ and 222/90/ 01411~~ 8608, 8704, 8706, 8707, 8712, 8713, 8715, 8716, 8717, 8720, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35195 to read:

35195 ADDITIONAL REQUIREMENTS FOR ASSESSMENT OF ADOPTIVE
 APPLICANTS

35195

- (a) The agency shall obtain the following documentation for all applicants to facilitate the assessment:
- (1) Authorization for the release of medical and employment information, if necessary.
 - (2) Authorization for release of financial information, if necessary.
 - (3) Report of a medical examination on each applicant. (Continued)
 - (4) A certificate that the individual is free from communicable tuberculosis for each adult residing in the home.
 - (5) School reports for all school-age children residing in the home of the applicant, as appropriate.
 - (6) At least three letters of reference regarding the suitability of the applicant as an adoptive parent. (Continued)
 - (7) The full state criminal record, if any, from the State Department of Justice (DOJ).

HANDBOOK BEGINS HERE

- (A) ~~Of the~~ Family Code Section 222.40/ ~~in pertinent part~~ 8712(a) reads as follows:

"(a) The department or a licensed adoption agency/ shall require ~~all~~ each persons filing an application ~~of to adopt a child for~~ adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. ~~Those agencies~~ The department or licensed adoption agency may also secure the person's full criminal record/ ~~if any/ of those persons~~."

HANDBOOK ENDS HERE

- (B) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 222.40/ ~~Of the~~ 8712, Family Code; and Section 11105.2, Penal Code.

Amend Section 35197 to read:

35197	WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING THE ADOPTIVE PLACEMENT OF A CHILD AND GRIEVANCE REVIEW PROCEDURES (Continued)	35197
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~222/20 and 222/40/ Civil~~ 8704 and 8712, Family Code;
and Section 11105.2, Penal Code.

Amend Section 35199 to read:

35199 EXCEPTION TO THE REQUIREMENT THAT CHILD BE LEGALLY
 FREED PRIOR TO ADOPTIVE PLACEMENT (Continued)

35199

- (b) The agency shall not place a child for adoption until the child has been legally freed for adoption unless:
- (1) The child is placed in an assessed and approved adoptive home with the approval of the agency's administrator, and (Continued)
- (C) An action to terminate the rights of any alleged natural father or fathers under ~~Civil~~ Family Code Sections ~~7017~~ ~~or 7008~~ 7630, 7634, 7660, or 7669 is pending.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222110 and 222120/ Civil~~ 7630, 7634, 7660, 7669, 8700, and 8704, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35201 to read:

35201 PRIORITY PLACEMENT REQUIREMENT (Continued)

35201

(b) In choosing adoptive parents for a child, the agency shall: (Continued)

- (2) Follow the order of placement preference requirements of Illinois Family Code Sections 222/35, 222/36, 222/37, and 222/38 8708, 8709, 8710, and 8711.

HANDBOOK BEGINS HERE

- (A) Illinois Family Code Section 222/38 8708 reads as follows:

"~~Whenever~~ a child is being considered for adoption, the following order of placement preferences regarding racial background ~~of~~ and ethnic identification shall be used, subject to ~~the provisions of~~ this section and Section 8709, in determining the ~~adoptive~~ placement of the child in which the child should be placed placement of the child:

_(a) (Continued)

_(b) (Continued)

_(c) If placement cannot be made under the rules set forth in this section within 90 days from the time the child is relinquished for adoption or has been declared free from parental custody or control, the child is free for adoption with a family of a different racial background or ethnic identification where there is evidence of sensitivity to the child's race, ethnicity, and culture. The child's religious background shall also be considered in determining an appropriate placement. A child may not be free for adoption with a family of a different racial background or ethnic identification pursuant to this subdivision however, unless it can be documented that a diligent search meeting the requirements of Section 222/37 for a family meeting the placement criteria has been made, a child may not be placed for adoption with a family of a different racial background or ethnic identification pursuant to this subdivision.

- (B) Illinois Family Code Section 222/38 8709 reads as follows:

"A determination of good cause not to follow the rules ~~set forth~~ provided in Section 222/38 8708 may be based on one or more of the following considerations:

_(a) (Continued)

_(b) ~~The~~ Extraordinary physical or emotional needs of the child.

"(c) The child is legally free for adoption for a period exceeding 90 days, during which a diligent search was conducted, and no family meeting the placement preference criteria is available for placement. Documentation ~~shall be~~ is necessary in order to make a finding of good cause under this ~~section~~ subdivision.

"(d) Application of the~~se~~ rules provided in Section 8708 would not be in the child's best interests ~~of the child~~."

(C) The content of ~~Child~~ Family Code Section ~~222/37~~ 8710 is located at Section 35047(a) (2~~43~~) (A).

(D) ~~Child~~ Family Code Section ~~222/38~~ 8711 reads as follows:

"Sections ~~222/38~~ to 222/37 ~~8708 to 8710~~, inclusive, ~~shall be~~ apply only in determining the placement of a child who has been relinquished for adoption or has been declared free from the custody and control of the birth parents."

HANDBOOK ENDS HERE

(3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: 25 U.S.C. 1901 et seq.; and Sections ~~222/35/ 222/36/ 222/37/ 222/38 and 222/40/ Child~~ 8708, 8709, 8710, 8711, and 8712, Family Code.

Amend Section 35203 to read:

35203 EXCEPTIONS TO PRIORITY PLACEMENT REQUIREMENT (Continued) 35203

(b) Exceptions to the priority placement requirement shall be permitted in the following instances: (Continued)

- (2) When a child meets the requirements of ~~Civil~~ Family Code Section ~~222/20~~ 8704.

HANDBOOK BEGINS HERE

- (A) ~~Civil~~ Family Code Section ~~222/20~~ 8704, in pertinent part, reads as follows:

"...(c) Notwithstanding any other ~~provisions of~~ law, if the child has been in foster care for a period of more than four months, the child has substantial emotional ties to the foster parent or parents, the child's removal from the foster parent or parents would be seriously detrimental to the child's well-being, and the foster parent or parents make a written request to be considered to adopt the child, the foster parent or parents shall be considered with respect to ~~that~~ the child along with all other prospective adoptive ~~families~~ parents. The department or licensed adoption agency shall take into consideration any relevant factors that it deems necessary in determining ~~the~~ which adoptive placement ~~which~~ is in the child's best interests ~~of the child~~.

"(d) The decision of the department or licensed adoption agency for the adoptive placement of the child shall be presumed to be in the child's best interests ~~of the child~~. This presumption may be rebutted in an action, ~~filed~~ brought by the foster parent or parents, by a preponderance of the evidence that foster care has been provided by the requesting foster parent or parents for more than four months, that the child has substantial emotional ties to the foster parent or parents, and that the adoptive placement of the child with someone other than the foster parent or parents would be seriously detrimental to the child's well-being.

"(e) ~~This~~ Subdivisions (c) and (d) does not apply to a child who has been adjudged to be a dependent of the juvenile court pursuant to Section 300 of the Welfare and Institutions Code."

HANDBOOK ENDS HERE

- (3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: 25 U.S.C. 1901 et seq.; Sections 366.25(g) and 366.26(j), Welfare and Institutions Code; and Section ~~222/20~~ Civil 8704, Family Code.

Amend Section 35211 to read:

35211	WRITTEN REPORT ON ASSESSMENT OF CHILD TO BE PROVIDED TO PROSPECTIVE ADOPTIVE PARENTS (Continued)	35211
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Sections 222/26/07/ 01411 8608 and 8621, Family Code.

Reference: Section 222/26/07/ 01411 8706, Family Code.

Amend Section 35213 to read:

35213 FILING OF FORMS PERTAINING TO PLACEMENT (Continued)

35213

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~222/20 and 229/01/ 01411~~ 7893 and 8704, Family Code.

Amend Section 35215 to read:

35215	REQUIREMENT FOR SUPERVISION OF THE ADOPTIVE PLACEMENT (Continued)	35215
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~777/20 and 779/ 01711~~ 7893 and 8704, Family Code.

Amend Section 35217 to read:

35217 DURATION OF SUPERVISORY PERIOD AND EXCEPTIONS (Continued) 35217

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~222/20 and 230/ 01411~~ 7893 and 8704, Family Code; and
25 U.S.C. 1901 et seq.

Amend Section 35219 to read:

35219 INTERVIEW REQUIREMENTS DURING SUPERVISORY PERIOD
(Continued)

35219

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~777/20 and 779/ 01711~~ 7893 and 8704, Family Code.

Amend Section 35221 to read:

35221 EXCEPTIONS TO INTERVIEW REQUIREMENTS (Continued)

35221

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Section 10553(e), Welfare and Institutions Code.

Amend Section 35223 to read:

35223 WRITTEN NOTIFICATION OF TERMINATION OF ADOPTIVE PLACEMENT 35223
(Continued)

- (c) In the event that a relinquishment document names the person or persons with whom the relinquishing parent intends that placement of the child for adoption be made by the agency and the agency terminates the placement with the named person or persons, the agency shall notify the relinquishing parent naming the person or persons of the termination of the placement and of his or her right to rescind the relinquishment and reclaim the child as required by ~~01711~~ Family Code Section 222.10 8700 Subdivision (f).

HANDBOOK BEGINS HERE

- (1) ~~01711~~ Family Code Section 222.10 8700 Subdivision (f) reads as follows:

"(f) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~222.10 and 222.20~~ ~~01711~~ 8700, Family Code; and 25 U.S.C. 1901 et seq.

Amend Section 35225 to read:

35225 PROCEDURES FOR PROSPECTIVE ADOPTIVE PARENTS WHO MOVE
AFTER THE ADOPTIVE PLACEMENT AND REQUESTS FOR SERVICE

35225

- (a) In planning for prospective adoptive parents who move after the adoptive placement, the agency shall:
- (1) Inform the prospective adoptive parents of the provisions of ~~Civil~~ Family Code Sections ~~221/60/ 221/62/ 221/63/ 221/65/ 221/70 and 221/78~~ 8611, 8612, 8613, 8614, 8616, and 8718, regarding prior court appearance, as appropriate.
 - (2) Inform the prospective adoptive parents that the agency is required by ~~Civil~~ Family Code Section ~~264~~ 7900 et seq. to comply with the provisions of the Interstate Compact for the Placement of Children.
 - (3) All requests for service to an out-of-state agency shall include a clear statement of:
 - (A) The service requested and the help the family needs.
 - (B) The reports expected in accordance with California regulations.
 - (C) Whether finalization of the adoption is to be in California or in the other location.
 - (D) The arrangements that the agency has made for the return of the child to the California agency if the placement is unsuccessful.

(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~221/60/ 221/62/ 221/63/ 221/65/ 221/70/ 221/78/ and~~ 264/ Civil 7900 et seq., 8611, 8612, 8613, 8614, 8616, and 8718, Family Code.

Amend Section 35227 to read:

35227 SECURING AN AMENDED BIRTH CERTIFICATE

35227

- (a) In order to amend the birth certificate, the agency shall secure the adoptive parent's signature on the Court Report of Adoption form. (Continued)
- (6) If both adoptive parents are living at the time of placement and one parent dies prior to finalization of the adoption, the agency shall inform the surviving parent of the provisions of ~~01/11~~ Family Code Section ~~221/72~~ 8615.

HANDBOOK BEGINS HERE

- (A) ~~01/11~~ Family Code Section ~~221/72~~ 8615 permits an action to be brought in the county of the petitioner's residence for the purpose of obtaining a new birth certificate for the adopted child which specifies that a deceased spouse, who was present in the home at the time of the adoptive placement, is the parent of the child.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Sections ~~221/72~~ 01/11 8615, Family Code.

Amend Section 35229 to read:

35229 COMPLETION OF THE ADOPTION (Continued)

35229

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Sections ~~222/40 and 222/73/ Civil~~ 8712 and 8715, Family Code.

Amend Section 35231 to read:

35231 CONCURRENT PETITIONS

35231

- (a) If a petition for the adoption of a child for whom the agency has care, custody, and control pursuant to ~~Civil~~ Family Code Section ~~222/20~~ 8704 is filed by a person or persons with whom the agency has not placed the child for adoption, the agency shall petition the court to dismiss such petition for adoption.

Authority Cited: Section 10553, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/20/ Civil~~ 8704, Family Code.

Amend Section 35233 to read:

35233 WRITTEN REQUEST FOR GRIEVANCE REVIEW

35233

- (a) Upon written request from an applicant or a prospective adoptive parent, the agency shall provide for a grievance review hearing on any action taken by the agency before a petition for adoption is filed.
- (1) The agency shall advise applicants or prospective adoptive parents that the request for a grievance review hearing shall:
- (A) Be signed by the applicant or prospective adoptive parent or his/ or her authorized representative.
- (B) State specifically the facts surrounding the action complained of. (Continued)
- (2) No request for a grievance review hearing shall be granted if the request for a grievance review hearing is based solely on any of the following:
- (A) Any action of the agency in compliance with a court order.
- (B) A question regarding the validity of a statute or a regulation.
- (C) Any issue for which a state hearing is available under Welfare and Institutions Code Section 10950.

HANDBOOK BEGINS HERE

- (D) Welfare and Institutions Code Section 10950, in pertinent part, reads ~~in part~~: (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section ~~222/40/ 01711~~ 8712, Family Code.

Amend Section 35235 to read:

35235 SCHEDULING AND NOTICE OF GRIEVANCE REVIEW HEARING
 (Continued)

35235

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
 Section 1530, Health and Safety Code; and Section 8621, Family
 Code.

Reference: Sections 10553(e) and 10950, Welfare and Institutions Code.

Amend Section 35237 to read:

35237 CONDUCTING THE GRIEVANCE REVIEW HEARING (Continued)

35237

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~
Section 1530, Health and Safety Code; and Section 8621, Family
Code.

Reference: Section 10553(e), Welfare and Institutions Code.

Amend Section 35239 to read:

35239 WRITTEN RECOMMENDATION OF GRIEVANCE REVIEW AGENT
AND DECISION OF DIRECTOR

35239

- (a) The grievance review agent shall make a written recommendation to the agency director regarding resolution of the grievance within five working days after completion of the grievance review hearing.
- (1) The agency director shall make a written decision within five working days of the receipt of the recommendations of the grievance review agent, based upon the evidence presented at the grievance review hearing.
- (A) The written decision shall:
1. Summarize the facts and issues involved.
 2. Make specific findings regarding the issues.
 3. Be sent to:
 - (i) Each party to the grievance.
 - (ii) Each authorized representative of each party, if any.
 - (iii) The department.

Authority Cited: Section 10553, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 10553(e), Welfare and Institutions Code.

Amend Section 35197 to read:

35241 ADDITIONAL ADMINISTRATIVE REQUIREMENTS FOR INTERCOUNTRY 35241
ADOPTIONS

- (a) In addition to meeting the requirement of Section 35039 the agency shall make copies of the following available to all staff:
- (1) Federal statutes and regulations pertaining to intercountry adoptions.
 - (2) Current written information explaining the laws, policies and procedures of any foreign agency. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~22611/ 22611~~ 8621 and 8901, Family Code.

Reference: Section ~~22611/ 22611~~ 8900, Family Code.

Amend Section 35243 to read:

35243 WRITTEN AGREEMENT WITH FOREIGN AGENCY

35243

- (a) The agency shall have a written agreement with each foreign agency from which the agency places children.
- (1) The written agreement between the agency and the foreign agency shall:
- (A) Verify that the foreign agency is authorized to place children for intercountry adoption under the laws of the foreign agency's country.
 - (B) Specify the responsibility of the foreign agency for the care of the child including medical care and financial support.
 - (C) Specify the authority and responsibility of the foreign agency in relation to placement, disruptions, finalization of the intercountry adoption or return of the child to his/ or her native country.
 - (D) Specify that the agency shall notify the foreign agency in writing whenever the adoption cannot be finalized.
 - (E) Specify the supervision and reporting requirements of the foreign agency.
 - (F) Specify the policies and procedures for the selection of children through the foreign agency. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10 and 226/25/ Civil 8900 and 8905, Family Code.

Amend Section 35245 to read:

35245 SUBMISSION OF REPORTS

35245

- (a) The agency shall submit intercountry reports to the department as required including but not limited to the following:
- (1) The number of applications pending.
 - (2) the number of completed Assessments of Applicants.
 - (3) The number of pending Assessments of Applicants.
 - (4) The number of adoptions by relatives.
 - (5) The number of homes awaiting placement of a foreign-born child.
 - (6) The number of completed intercountry adoptions. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 22611/ 22611 8621 and 8901, Family Code.

Reference: Section 10852, Welfare and Institutions Code; and Section 22610/ 22611 8900, Family Code.

Amend Section 35247 to read:

35247 SUBMISSION OF INFORMATION TO THE DEPARTMENT

35247

(a) Agencies that provide intercountry adoption services shall submit the following information to the department for each adoptive placement of a foreign-born child:

- (1) Child's birth name and date of birth.
- (2) Names of adoptive parents.
- (3) Names of birth parents, if available.
- (4) Name of foreign agency. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 81411~~ 8621 and 8901, Family Code.

Reference: Section 10852, Welfare and Institutions Code; and Section ~~226/10/ 81411~~ 8900, Family Code.

Amend Section 35249 to read:

35249 REQUIREMENT FOR FEE SCHEDULE

35249

- (a) The agency shall establish a fee schedule for intercountry adoption services as required by ~~Civil~~ Family Code Section ~~226/28~~ 8907.

HANDBOOK BEGINS HERE

- (1) ~~Civil~~ Family Code Section ~~226/28~~ 8907 reads as follows:

"The costs incurred by a licensed adoption agency pursuant to programs established by this ~~article~~ chapter shall be funded by fees charged by those agencies for services required by this ~~article~~ chapter. The agency's fee schedule ~~shall~~ is required to be approved by the department initially, and whenever it is altered."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ Civil~~ 8621 and 8900, Family Code.

Reference: Sections ~~226/10 and 226/28/ Civil~~ 8900 and 8907, Family Code.

Amend Section 35251 to read:

35251 INTERCOUNTRY ADOPTIONS CASE RECORD REQUIREMENTS

35251

(a) The agency shall maintain a permanent record for each foreign-born child and/or family for whom the agency provides adoption services.

(1) In addition to copies of all correspondence case records shall include:

(A) Copies of all documents received from the foreign agency.

(B) Written Assessment of the Child as required by Section 35275 including a copy of the psychological and medical history form as required by Section 35285.

(C) Copy of written Background Information on Birth Parents as required by Subchapter 6, Article 5 including medical report on the mother of the child as required by Section 35289(a) (2) (B).

(D) Copy of written Assessment of the Applicant as required by Subchapter 6, Article 3 including: (Continued)

2. Copy of notification of agency's decision regarding the assessment required by Section 35273. (Continued)

(G) Copies of all requests for disclosure of information from the adoption case record including:

1. Requests for medically necessary information.

2. Waivers of confidentiality to allow the agency or department to arrange for contact among the adult adoptee, the birth parent and the adoptive parent.

3. Requests for disclosure of the name and address of the birth parent. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ 01411 8621 and 8901, Family Code.

Reference: Section~~s~~ 226/10/ 226/20/ and 226/21/ 01411 8900, Family Code.

Amend Section 35253 to read:

35253 STAFFING AND POST-ADOPTION SERVICES

35253

(a) In addition to meeting the requirements of this article, the agency shall meet all applicable requirements in Subchapter 2, Article 3, Section 35021 et seq. and Subchapter 3, Article 3, Section 35049 et seq.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ 01411 8621 and 8901, Family Code.

Reference: Section 226/10/ 01411 8900, Family Code.

Amend Section 35255 to read:

35255 ICA REQUIREMENT FOR WRITTEN APPLICATION

35255

(a) The agency shall require a written application prior to making an assessment of any person wishing to adopt a child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 01411~~ 8621 and 8901, Family Code.

Reference: Section ~~226/10/ 01411~~ 8900, Family Code.

Amend Section 35257 to read:

35257 REQUIREMENT FOR ASSESSMENT OF APPLICANT (Continued)

35257

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ and 226/23/ Civil 8900, 8902, and 8904, Family Code.

Amend Section 35259 to read:

35259 AUTHORITY FOR DISAPPROVAL OF APPLICANT

35259

(a) The agency shall have the authority to make a determination that the applicant shall not be approved for the adoptive placement of a child at any point in the assessment process.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 01411~~ 8621 and 8901, Family Code.

Reference: Section 16141, Welfare and Institutions Code; Section ~~226/10/ 01411~~ 8900, Family Code.

Amend Section 35261 to read:

35261 REQUIREMENT FOR COMPLETION OF ASSESSMENT PROCESS

35261

- (a) The agency shall make a determination that the applicant shall be approved for the adoptive placement of a child only after completing the entire assessment process.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ 01111 8621 and 8901, Family Code.

Reference: Section 226/10/ 01111 8900, Family Code.

Amend Section 35263 to read:

35263 INTERCOUNTRY ADOPTIONS ASSESSMENT INTERVIEW REQUIREMENTS 35263
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ and 226/23/ Civil 8900, 8902, and 8904, Family Code.

Amend Section 35265 to read:

35265 ITEMS TO BE DISCUSSED WITH APPLICANT

35265

(a) The agency shall discuss the following information with the applicant:
(Continued)

(2) Statutory and regulatory requirements for adoption including:

(A) INS requirements including readoption, if applicable.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ and 226/23/ Civil 8900, 8902, 8904, and 8919, Family Code.

Amend Section 35267 to read:

35267 INFORMATION TRANSMITTED TO THE APPLICANT DURING ASSESSMENT 35267

(a) The agency shall inform the applicant of the following: (Continued)

(5) If the applicant is going to adopt the foreign-born child under the laws of the child's native country:

(A) ~~The desirability of~~ Readopting the foreign-born child in California when required by INS or petitioning the court for a California birth certificate.

~~(B)~~ 1. The agency that completed the assessment pursuant to ~~Subchapter 6/ Article 8/~~ Section 35257 ~~et seq/~~ shall provide all agency services to the applicant to assist him/ or her in completing the adoption in California to include but not limit to completing the required report to the court required by Subchapter 6, Article 8, Section 35313 et seq.

(6) The applicant's responsibility pursuant to Family Code Section 8903(b) for the foreign-born child when he/ or she has received guardianship of the child under the laws of the child's native country.

HANDBOOK BEGINS HERE

(A) Family Code Section 8903(b) reads as follows:

"(b) Notwithstanding subdivision (a), if the child's native country requires and has given full guardianship to the prospective adoptive parents, the prospective adoptive parents shall assume all responsibilities for the child including care, custody, control, and financial support."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/22/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/20/ 226/20/ And 226/22/ Civil 8900, 8902, and 8904, Family Code.

Amend Section 35269 to read:

35269 DOCUMENTATION FROM THE APPLICANT

35269

- (a) The agency shall obtain the following documentation for all applicants to facilitate the assessment: (Continued)
- (2) Report of medical examination on each applicant.
- (A) The ~~medical~~ report shall be signed by a licensed physician.
(Continued)
- (5) The full state criminal record, if any, from the State Department of Justice (DOJ).

HANDBOOK BEGINS HERE

- (A) ~~Civil~~ Family Code Section ~~226/30/~~ in pertinent part/ 8908(a) reads as follows:

"(a) A licensed adoption agency shall require ~~all~~ each persons filing an application ~~to adopt a child~~ for adoption to be fingerprinted and shall secure from an appropriate law enforcement agency any criminal record of that person to determine whether the person has ever been convicted of a crime other than a minor traffic violation. The licensed adoption agency may also secure the person's full criminal record, if any/ ~~of those persons//.~~"

HANDBOOK ENDS HERE

- (B) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8900, Family Code.

Reference: Sections 226/10/ 226/20/ 226/23/ and 226/30/ Civil 8900, 8902, 8904, and 8908, Family Code.

Amend Section 35271 to read:

35271 IDENTIFICATION OF THE APPLICANT AND EVALUATION OF
SPECIFIC CHARACTERISTICS

35271

(a) The assessment of the applicant shall include: (Continued)

(2) Evaluation of:

(A) General Characteristics.

HANDBOOK BEGINS HERE

1. The manner in which the applicant has dealt with difficult or stressful life situations.
2. Relationships within the applicant's family.
3. Ability to assume responsibility for the care, guidance and protection of a child.
 - (i) Acceptance of a child from a different race or ethnic background.
4. Emotional flexibility and stability.
5. Self-esteem.
6. Coping ability.
7. The manner in which normal hazards and risks are accepted.
8. Motivation for adoption.
9. Ability to have a parent-child relationship and to enjoy a child.
10. Flexibility regarding the applicant's expectations of a child.
11. Feelings and attitudes regarding:
 - (i) Inability of the applicant to conceive children when this is a factor in the application.
 - (ii) Birth parents.
 - (iii) Children who have been abused, neglected or abandoned.
 - (iv) Sharing the facts surrounding the adoption with the adopted child including how the applicant plans to teach the child about, identify with and have information about his/ or her native country.

- (v) Children who have physical, emotional and/or mental handicaps.

HANDBOOK ENDS HERE

- (B) Social Background.

HANDBOOK BEGINS HERE

1. Participation in community activities.
2. Peer relationships.

- (C) Educational background.

- (D) Financial stability.

- (E) Work adjustment.

- (F) Adequacy of housing.

1. Evaluation of adequacy of housing may include evaluation of the following conditions:
 - (i) Sanitation.
 - (ii) Safety.
 - (iii) Sleeping accommodations.
 - (iv) Play area.

HANDBOOK ENDS HERE

- (G) The full state criminal record, if any, of the applicant and if required by Section 35269(a)(6) the FBI criminal record, if any, from the DOJ.

HANDBOOK BEGINS HERE

1. California Family Code Section 220.10/ in pertinent part/ 8908(b) reads as follows:

"8908(b) The criminal record, if any, shall be taken into consideration when evaluating a the prospective adoptive parent, and an assessment of the effects of his or her any criminal history on the ability of the prospective adoptive parent to provide adequate and proper care and guidance to the child shall be included in the report to the court."

HANDBOOK ENDS HERE

- (3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ 226/23/ and 226/30/ Civil 8900, 8902, 8904, and 8908, Family Code.

Amend Section 35273 to read:

35273 WRITTEN NOTIFICATION OF AGENCY'S DECISION REGARDING
 PLACEMENT OF A CHILD AND GRIEVANCE REVIEW PROCEDURES
 (Continued)

35273

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section
 1530, Health and Safety Code; and Sections 226/11/ 01411 8621
 and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ 226/23/ and 226/30/ 01411 8900, 8902,
 8904, and 8908, Family Code.

Amend Section 35277 to read:

35277 DOCUMENTATION ON THE CHILD (Continued)

35277

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11 and 226/33/47/~~ 47/11 8608, 8621, and 8901, Family Code.

Reference: Sections ~~226/10 and 226/33/~~ 47/11 8608, 8900, 8901, and 8909, Family Code.

Amend Section 35279 to read:

35279 DOCUMENTATION FROM THE FOREIGN AGENCY RESPONSIBLE
FOR THE CHILD

35279

(a) The agency shall obtain the documentation on the foreign-born child from the foreign agency responsible for the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226.11, 414.11 8621 and 8901, Family Code.

Reference: Sections ~~226/10 and 226/33~~ of the 8608, 8900, and 8909, Family Code.

Amend Section 35281 to read:

35281 DOCUMENTATION OF UNAVAILABILITY OF INFORMATION

35281

(a) The agency shall document any unavailability of the documentation required by Section 35277 and the reasons for its unavailability.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 228/11/ 017/11 8608, 8621, and 8901, Family Code.

Reference: Sections 228/10 and 228/15/ 017/11 8608, 8900, and 8909, Family Code.

Amend Section 35285 to read:

35285 COMPLETION OF PSYCHOLOGICAL AND MEDICAL HISTORY FORM 35285

(a) The agency shall complete a psychological and medical history form for the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8608, 8621, and 8901, Family Code.

Reference: Sections 226/10 and 226/15/ Civil 8608, 8900, and 8909, Family Code.

Amend Section 35287 to read:

35287 SUBMISSION AND DISCUSSION OF WRITTEN ASSESSMENT

35287

- (a) The agency shall submit the written assessment to the prospective adoptive parent and discuss with them the agency's evaluation of the child's current and anticipated functioning as required by Section 35283(a)(2) and Civil Family Code Section 226.13 8909 at least 30 days prior to placement of the child in the home.
- (1) The prospective adoptive parent shall acknowledge in writing receipt of this information.

HANDBOOK BEGINS HERE

- (A) Civil Family Code Section 226.13/ in pertinent part/ 8909 reads as follows:

"(a) ~~No~~ An agency ~~shall~~ may not place a child for adoption unless a written ~~medical~~ report on the child's medical background/ and if available, ~~so far as ascerttainable/~~ the medical background of the child's biological parents, so far as ascertainable, has been submitted to the prospective adoptive parents and they ~~prospective adoptive parents~~ have acknowledged in writing the receipt of ~~such~~ the report.

"(b) The report on the child's background shall contain all known diagnostic information, including current medical reports on the child, psychological evaluations, and scholastic information, as well as all known information regarding the child's developmental history and family life."

~~(b) The department shall adopt regulations specifying the form and content of the report required by this section/ In addition to any other material that may be required by the department/ the form shall include inquiries designed to elicit information on any illness/ disease/ or defect of a genetic or hereditary nature/~~

- (B) (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226.11 and 226.13(b)/ Civil 86089, 8621, and 8901, Family Code.

Reference: Sections 226.10/ 226.20/ 226.23/ and 226.13(a)/ Civil 8608, 8900, 8901, 8902, and 8909, Family Code.

Amend Section 35289 to read:

35289 WRITTEN INFORMATION ON THE CHILD'S BIRTH PARENTS

35289

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8608, 8621, and 8901, Family Code.

Reference: Sections 226/10 and 226/33/ Civil 8608, 8900, and 8909, Family Code.

Amend Section 35291 to read:

35291 INFORMATION ON THE BIRTH PARENTS FROM THE FOREIGN AGENCY 35291

(a) The agency shall obtain the information on the birth parents of the foreign-born child from the foreign agency responsible for the child.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ Civil~~ 8608, 8621, and 8901, Family Code.

Reference: Sections ~~226/10 and 226/15/ Civil~~ 8608, 8900, and 8909, Family Code.

Amend Section 35293 to read:

35293 DOCUMENTATION OF UNAVAILABILITY OF INFORMATION

35293

(a) The agency shall document any unavailability of the information required by Section 35289 and the reasons for its unavailability.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8608, 8621, and 8901, Family Code.

Reference: Sections 226/10 and 226/33/ Civil 8608, 8900, and 8909, Family Code.

Amend Section 35295 to read:

35295 SUBMISSION AND ACKNOWLEDGEMENT OF NONIDENTIFYING INFORMATION 35295
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section
1530, Health and Safety Code; and Sections 226/11/ Civil 8608,
8621, and 8901, Family Code.

Reference: Sections 226/10/ 226/20/ 226/23/ and 226/25/ Civil 8608, 8900,
8902, 8904, and 8909, Family Code.

Amend Section 35297 to read:

35297 PROCEDURES FOR ADOPTIONS TO BE COMPLETED IN CALIFORNIA

35297

(a) Prior to placement of the child where the adoption will be completed in California, the agency shall: (Continued)

(5) Unless the prospective adoptive parent has received guardianship of the foreign-born child from the child's native country the agency shall discuss the following with the prospective adoptive parent:

(A) That the agency shall retain legal custody of the child, supervise the adoptive placement, and routinely meet with the prospective adoptive parent and child until a final decree of adoption is granted.

1. If the agency enters into an agreement with the prospective adoptive parent to share or transfer financial responsibility for the child, as permitted by ~~California~~ Family Code Section ~~226/27~~ 8906, the placement agreement shall include the nature of the responsibility assumed by the prospective adoptive parent, the duration of that responsibility and the effective date.

HANDBOOK BEGINS HERE

(i) ~~California~~ Family Code Section ~~226/27~~ 8906 reads as follows:

"Nothing in this ~~article shall~~ chapter may be construed to prohibit the licensed adoption agency from entering into an agreement with the prospective adoptive parents to share or transfer financial responsibility for the child."

HANDBOOK ENDS HERE

(B) (Continued)

(N) That ~~California~~ Family Code Section ~~226/50~~ 8911 requires that as a condition of placement the prospective adoptive parent shall file a petition to adopt the child under Section ~~226/52~~ 8912 of the ~~California~~ Family Code within thirty (30) days of placement.
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ California~~ 8621 and 8901, Family Code.

Reference: Sections ~~226/10/ 226/20/ 226/21/ 226/27/ 226/40/ and 226/50/ California~~ 8900, 8902, 8903, 8906, 8910, 8911, and 8919, Family Code.

Amend Section 35299 to read:

35299 REQUIREMENT FOR SUPERVISION OF THE ADOPTIVE PLACEMENT 35299

(a) The agency shall supervise the adoptive placement of the child with the prospective adoptive parent unless the child was adopted abroad.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 4141~~ 8621 and 8901, Family Code.

Reference: Section ~~226/10/ 4141~~ 8900, Family Code.

Amend Section 35301 to read:

35301 COMMENCEMENT AND TERMINATION OF SUPERVISION

35301

(a) The agency shall commence supervision of the adoptive placement when the child is placed with the prospective adoptive parent and continue until a final decree of adoption is granted or the child is removed from the home of the prospective adoptive parent.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ Civil~~ 8621 and 8901, Family Code.

Reference: Section ~~226/10/ Civil~~ 8900, Family Code.

Amend Section 35303 to read:

35303 EXCEPTIONS TO THE DURATION OF THE SUPERVISORY PERIOD

35303

(a) The duration of the supervisory period shall not be less than six months unless:

- (1) The adoptive parent has successfully completed the adoption of another child in California, including an Assessment of the Applicant and supervision by an agency, within the past five years/ ~~of medical history from to the prospective adoptive parent.~~ (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 8621 and 8901, Family Code.

Reference: Section ~~22610/ 22611~~ 8900, Family Code.

Amend Section 35305 to read:

35305 SERVICES DURING THE SUPERVISORY PERIOD

35305

(a) During the supervisory period the agency shall provide the following services as needed to the prospective adoptive parent and to the child to be adopted so that the child may be successfully integrated into the family:

(1) Liaison between the family and:

(A) Schools.

(B) Mental health agencies.

(C) Physical health agencies.

(D) Rehabilitation service agencies. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 01411~~ 8621 and 8901, Family Code.

Reference: Section ~~226/10/ 01411~~ 8900, Family Code.

Amend Section 35307 to read:

35307 HOME INTERVIEW DURING SUPERVISORY PERIOD

35307

(a) During the supervisory period the agency shall conduct at least one interview in the home of the prospective adoptive parent with the prospective adoptive parent and the child to be adopted.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ 01411~~ 8621 and 8901, Family Code.

Reference: Section ~~226/10/ 01411~~ 8900, Family Code.

Amend Section 35309 to read:

35309 ADDITIONAL INTERVIEWS DURING SUPERVISORY PERIOD

35309

(a) The agency shall conduct at least three additional interviews with the prospective adoptive parent unless the duration of the supervisory period has been reduced to less than six months as provided for in Section 35303.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~22611/ 01411~~ 8621 and 8901, Family Code.

Reference: Section ~~22610/ 01411~~ 8900, Family Code.

Amend Section 35311 to read:

35311 WRITTEN EVALUATION OF THE ADOPTIVE PLACEMENT (Continued) 35311

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ 01411 8621 and 8901, Family Code.

Reference: Section 226/10/ 01411 8900, Family Code.

Amend Section 35313 to read:

35313 SUBMISSION OF COURT REPORT (Continued)

35313

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections 226/11/ Civil 8621 and 8901, Family Code.

Reference: Sections 226/10/ 226/57/ and 226/59/ Civil 8900, 8914, and 8915,
Family Code.

Amend Section 35315 to read:

35315 CONTENT OF THE COURT REPORT

35315

(a) The report shall include: (Continued)

(3) A full report of the information obtained in the Assessment of the Applicant as required in Article 3, Sections 35269 and 35271.

(A) The court report shall include the assessment of the effect of the criminal record on the applicant's ability to provide adequate and proper care and guidance to the child.

1. The agency shall utilize the most up-to-date criminal record information in its preparation of the court report.

HANDBOOK BEGINS HERE

(i) Article 3, Section 35271(a)(2)(G)1. contains the relevant part of ~~Chapter~~ Family Code Section ~~226/30~~ 8908.

HANDBOOK ENDS HERE

2. (Continued)

(4) A copy of the documentation that the child is legally free for adoption. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code; and Sections ~~226/11/ Chapter~~ 226/11/ 8608, 8621, and 8901, Family Code.

Reference: Sections ~~226/10/ 226/20/ 226/23/ 226/30/ 226/33/ 226/37/ and~~ 226/39/ Chapter 8608, 8900, 8902, 8904, 8908, 8909, 8914, and 8915, Family Code.

Amend Section 35317 to read:

35317 INFORMATION TO BE EXCLUDED FROM COURT REPORT

35317

(a) The agency shall not include the names and addresses of the birth parents in the court report.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Sections 226/11/ Civil 8608, 8621, and 8901, Family Code.

Reference: Sections 226/10/ 226/13/ 226/37/ and 226/39/ Civil 8608, 8900, 8909, 8914, and 8915, Family Code.

Amend Section 35319 to read:

35319 IMMEDIATE FILING OF COURT REPORT

35319

(a) In those cases in which the agency has a question concerning the suitability of the petitioners or the care provided the child, the agency shall immediately file the court report. (Continued)

(2) The agency shall recommend either:

(A) That the court give direction to the agency regarding the situation giving rise to the agency's question, or (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Sections 226111/ 226111 8621 and 8901, Family Code.

Reference: Sections 226110 and 226111/ 226111 8900, 8914, and 8918, Family Code.

Amend Section 35321 to read:

35321 CONTENT OF ~~01/1/1~~ FAMILY CODE SECTION ~~226/66~~ 8918

35321

(a) (Reserved)

HANDBOOK BEGINS HERE

(a) ~~01/1/1~~ Family Code Section ~~226/66~~ 8918 reads as follows:

"At the hearing, if the court sustains the recommendation that the child be removed from the home of the petitioners because the licensed adoption agency has recommended denial or the petitioners desire to withdraw the petition or the court dismisses the petition and does not return ~~him or her to his or her~~ the child to the child's parents, the court shall commit the child to the care of the licensed adoption agency for ~~that~~ the agency to arrange adoptive placement or to make a suitable plan."

HANDBOOK ENDS HERE

Amend Section 35323 to read:

35323 AVAILABILITY OF COURT REPORT

35323

(a) The agency shall make a copy of its report available to the attorney of record for the adoptive petitioner or to the adoptive petitioner if he/ or she is not represented by an attorney.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; Section 1530, Health and Safety Code, and Sections 228/11/ 01711 8621 and 8901, Family Code.

Reference: Sections 228/10/ 228/57/ and 228/59/ 01711 8900, 8914, and 8915, Family Code.

Amend Section 35329 to read:

35329	EFFECT OF ADOPTIVE PARENT'S LEGAL RESIDENCE (Continued)	35329
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Authority Cited: Sections 10553 and 16118(a), Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Sections 16118 and 16120, Welfare and Institutions Code; and 42 USC 671 and 673.

Amend Section 35349 to read:

35349 CHRONIC HEALTH CONDITION AND CONTINUATION OF THE AAC GRANT 35349

- (a) For purposes of this section, a chronic health condition shall include one or more of the following conditions present at placement and of such nature as to make adoptive homes unavailable to the child without financial assistance:
- (1) Physical or mental disability present at birth or resulting from disease or injury.
 - (2) Emotional disturbance.
 - (3) History of either injury prior to adoptive placement, physical disease, or emotional disturbance which may manifest itself in some form of physical, mental, or emotional disability after completion of the adoption.

Authority Cited: Section 10553, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 16121, Welfare and Institutions Code.

Amend Section 35353 to read:

35353 CDIB AND LINKAGE TO THE ICWA

35353

(a) In working with children who could be subject to the provisions of the ICWA and/or be eligible for a certificate of Indian blood and the birth parents of such children, the additional requirements of Subchapter 8 shall be met.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code.

Reference: Section 10553, Welfare and Institutions Code; Section 8619, Family Code; and 25 USC Sections 1901, 1902, 1903, 1911, 1912, 1913, 1914, 1915, 1916, 1917, 1920, and 1921.

Amend Section 35355 to read:

35355 NON-APPLICABILITY OF ICWA

35355

(a) The requirements of this chapter shall not apply to adoptions in which a final decree of adoption was issued prior to May 8, 1979.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Sections 8619 and 8621, Family Code.

Reference: Section 10553, Welfare and Institutions Code; and 25 USC Section
 1923.

Amend Section 35357 to read:

35357 BACKGROUND INFORMATION TO DETERMINE THE APPLICABILITY
OF THE ICWA

35357

(a) The agency shall obtain sufficient information from the parents of a child as required by Subchapter 2, Article 4, Section 35023 et seq. so that it can be determined: (Continued)

(2) Whether a CDIB can be issued.

HANDBOOK BEGINS HERE

(A) (Continued)

(B) The child may need to be enrolled in his/ or her tribe in order to obtain the certification.

(C) ~~Chapter~~ Family Code Section ~~221/80~~ 8619 reads as follows:

"The department shall adopt ~~such~~ rules and regulations ~~as~~ it determines are reasonably necessary to ~~assure~~ that ~~a~~ the birth parent or parents of Indian ancestry, seeking to relinquish a child for adoption, provide sufficient information to the department or to the licensed adoption agency so that a certificate of degree of Indian blood can be obtained from the Bureau of Indian Affairs. The department shall immediately request a certificate of degree of Indian blood from the Bureau of Indian Affairs upon obtaining the information. A copy of all documents pertaining to the degree of Indian blood and tribal enrollment, including a copy of the certificate of degree of Indian blood, shall become a permanent record in the adoption files and shall be housed in a central location and made available to authorized personnel from the Bureau of Indian Affairs when required to determine the ~~adopter's~~ eligibility to receive services or benefits because of the adopted person's status as an Indian. This information shall be made available to the adopted person upon reaching the age of majority."

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections ~~221/80~~ Chapter 8619 and 8621, Family Code.

Reference: Section ~~221/80~~ Chapter 8619, Family Code; and 25 U.S.C. 19203(4).

Amend Section 35359 to read:

35359 USE OF THE AD 4311 (INFORMATION ON THE AMERICAN
 INDIAN CHILD)

35359

- (a) The agency shall complete all requested information on the form prescribed by the department (AD 4311) to the extent that the information is ascertainable from the birth parents, ~~and~~ extended family members, and other sources of information. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and ~~221/80/ Civil~~ Sections 8619 and 8621, Family Code.

Reference: Section ~~221/80/ Civil~~ 8619, Family Code.

Amend Section 35361 to read:

35361 SUBMISSION OF THE AD 4311 TO THE DEPARTMENT

35361

- (a) The agency shall immediately submit the completed Form AD 4311 and a certified copy of the child's birth certificate to the department.

HANDBOOK BEGINS HERE

- (1) The department will forward the AD 4311 and the copy of the birth certificate to the BIA, Sacramento area office. (Continued)

- (C) The agency should work cooperatively with the BIA or tribe to enroll the child in his/ or her tribe if such enrollment is required by the tribe in order for a CDIB to be completed by the tribe. The agency should also cooperate with the BIA or tribe to enroll the child so that the child may receive possible tribal benefits currently or in the future. The BIA should be informed on the AD 4311 of any birth parent's request for anonymity as special procedures for enrollment may be necessary.

HANDBOOK ENDS HERE

- (2) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 221/80/ 4111 8619 and 8621, Family Code.

Reference: Section 221/80/ 4111 8619, Family Code; and 25 USC 1903(4).

Amend Section 35363 to read:

35363 PROCEDURES FOR CHILDREN WHO MEET THE DEFINITION OF
 AN INDIAN CHILD

35363

(a) Reserved

HANDBOOK BEGINS HERE

(a) When it is determined by the BIA or the tribe that the child meets the definition of an Indian child, the agency shall follow the provisions of Sections 35369 through Subchapter 8, Article 8.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 221/80/ Civil 8619 and 8621, Family Code.

Reference: Section 221/80/ Civil 8619, Family Code.

Amend Section 35365 to read:

35365 BACKGROUND INFORMATION ON A CHILD SUBJECT TO THE ICWA 35365

(a) The agency shall attempt to ascertain the following background information:

- (1) Name, address, date, place of birth, and tribal affiliation of the child and of any parent, grandparent, or great-grandparent with Indian heritage.
- (2) Names and addresses of extended family members.
- (3) Tribal customs regarding child placement practices.
- (4) Addresses where tribal governing organizations may be located.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections ~~221/80/ 41411~~ 8619 and 8621, Family Code.

Reference: Section ~~221/80/ 41411~~ 8619, Family Code.

Amend Section 35367 to read:

35367 INFORMATION TO THE PARENTS (Continued)

35367

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Sections 8619 and 8621, Family Code.

Reference: 25 USC 1901 et seq.; and Section 8619, Family Code.

Amend Section 35369 to read:

35369 PROVISIONS OF THE ICWA

35369

(a) The agency shall inform the parents of a child subject to the ICWA of the act's provisions which include: (Continued)

(4) The requirement that, in the event the parent who gave physical custody of the child to the agency or petitioners and has not otherwise been deprived of legal custody requests to revoke or rescind the relinquishment or withdraw the consent, or refuses to give consent, the following procedures shall be followed: (Continued)

HANDBOOK BEGINS HERE

(D) Deprivation of legal custody refers to situations in which the court has ordered the child removed from his/ or her parent as in a divorce situation or in cases in which the child is made a dependent or ward of the court.

HANDBOOK ENDS HERE

(5) The requirement that, in the event that the parent who did not give physical custody of the child to the agency or petitioners, or the parent who has been deprived of legal custody, requests revocation or rescission of the relinquishment or withdrawal of the consent, the following procedures shall be followed: (Continued)

(B) In an agency adoption, the agency shall initiate court proceedings which will determine whether that parent has a right to physical custody of the child or whether the adoption plan can proceed.

~~(C)~~ 1. The agency shall ensure that any other parent whose consent has been taken or whose relinquishment has been filed is notified of the request to revoke or rescind the relinquishment or withdraw the consent and notified of any court proceedings resulting from the request. (Continued)

(7) The requirement that the parent will be notified if the adoption petition is withdrawn, dismissed, or denied or the adoption is set aside. (Continued)

(B) The agency shall inform the parent that he/ or she must keep his/ or her name and address current with the agency so that notice can be provided. (Continued)

(9) The requirements for release of information concerning the adoption and the adopted child's Indian heritage as follows:

(A) The adopted child, when he/ or she reaches age 18, may request and receive information from the court as provided for in 25 USC 1917. (Continued)

- (B) That the court which granted the adoption is required by the Act to provide information to the Secretary of the Interior as specified in 25 USC 1951 and the parent who wishes his/ or her identity to remain confidential will need to file an affidavit with the court requesting confidentiality. (Continued)
- (D) That upon request the department will make available to authorized personnel from the Bureau of Indian Affairs and the adopted child who has reached age 18 information as specified in ~~01/11~~ Family Code Section 221/80 8619.

HANDBOOK BEGINS HERE

1. The content of ~~01/11~~ Family Code Section 221/80 8619 is found at Section 35357(a)(2)(C).

HANDBOOK ENDS HERE

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8619 and 8621, Family Code.

Reference: 25 U.S.C. 1901 et seq.

35371 PROVISIONS FOR SETTING ASIDE THE ADOPTION AND
WITHDRAWING CONSENT

(a) The agency shall inform the parents of a child subject to the provisions of the ICWA that within five years of the time a decree of adoption is granted, the parent may petition the court to set aside a decree of adoption upon the grounds that the consent or relinquishment was obtained through fraud or duress pursuant to USC 1913(d) and Family Code Section 9102.

(1) (Continued)

"(a) Any action or proceeding of any kind ~~whatsoever~~ to vacate, set aside, or otherwise nullify an ~~decree of~~ order of adoption on the ground of any defect or irregularity of procedure in the adoption proceeding must shall be commenced within three years after entry of the ~~decree of~~ order.

HANDBOOK ENDS HERE

Reference: Section ~~228/15/ Civil~~ 9102, Family Code; and 25 U.S.C. 1913(d).

Amend Section 35373 to read:

35373 INVALIDATION OF PROCEDURES TO TERMINATE PARENTAL RIGHTS 35373
(Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
 Sections 8619 and 8621, Family Code.

Reference: Section ~~22815~~ ~~Civil~~ 9102, Family Code; and 25 U.S.C. 1911,
 1912(a), 913(a), 1913(c), 1913(d), 1914, 1915(a), 1916, 1917,
 and 1951.

Amend Section 35375 to read:

35375 VOLUNTARY TERMINATION OF PARENTAL RIGHTS (Continued)

35375

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8619 and 8621, Family Code.

Reference: 25 USC 1913.

Amend Section 35377 to read:

35377 INVOLUNTARY TERMINATION OF PARENTAL RIGHTS (Continued) 35377

(b) The notice required by 25 USC 1912(a) shall contain the following:

- (1) The names, dates, and places of birth of the Indian child, his parents or Indian custodian.
- (2) The maiden name of the child's mother.
- (3) Tribal affiliation of the child and the parents when known.
- (4) A copy of the petition, complaint or other document by which the proceeding was initiated.
- (5) The name of the petitioner and the name and address of the petitioner's attorney.
- (6) A statement of the right of the biological parents or Indian custodians and the Indian child's tribe to intervene in the proceeding.
- (7) A statement that if the parents or Indian custodians are unable to afford counsel, counsel will be appointed to represent them.
(Continued)
- (9) The location, mailing address, and telephone number of the court.
- (10) A statement of the right of the parents or Indian custodians or the Indian child's tribe to petition the court to transfer the proceedings to the Indian child's tribal court.
- (11) The potential legal consequences of an adjudication on future custodial rights of the parents or Indian custodian. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Sections 8619 and 8621, Family Code.

Reference: 25 USC 1912 and 1913 and Guidelines to State Courts, Indian
Child Custody Proceedings FR Vol. 44, No. 228, Part III,
Nov. 26, 1979.

Amend Section 35379 to read:

35379 INFORMATION TO APPLICANT PRIOR TO PLACEMENT OF AN
 INDIAN CHILD FOR ADOPTION

35379

- (a) Prior to the placement of an Indian child for adoption, the agency shall inform the applicant of the birth parents' right to: (Continued)
- (2) Petition the court within five years of the granting of the final decree of adoption to set aside a decree of adoption upon the grounds that the relinquishment was obtained through fraud or duress.

HANDBOOK BEGINS HERE

(A) (Continued)

(B) The content of ~~§ 111~~ Family Code Section ~~228/13~~ 9102 is located at Section 35371(a)(2).

HANDBOOK ENDS HERE

(3) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 8619 and 8621, Family Code.

Reference: Section ~~228/13~~ § 111 9102, Family Code; and 25 U.S.C. 1913(c).

Amend Section 35381 to read:

35381	PLACEMENT AGREEMENT, COMPLIANCE WITH ORDER OF PLACEMENT REFERENCE AND PROCEDURE REGARDING REQUEST TO RESCIND (Continued)	35381
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Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Sections 8619 and 8621, Family Code.

Reference: Section 16119, Welfare and Institutions Code; and 25 USC 1913(c)
and 1915(b) (3).

Amend Section 35383 to read:

35383 APPLICABILITY OF ICWA TO NON-INDIAN PARENTS, WITHDRAWAL 35383
 OF CONSENT AND TERMINATION OF PARENTAL RIGHTS IN AN
 INDEPENDENT ADOPTION

- (a) During the investigation of the adoption petition, the agency shall advise the petitioners that: (Continued)
- (2) The birth parent may withdraw his/ or her consent and has the right to have the child returned to him/ or her at any time prior to the issuance of a final decree of adoption. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Sections 8619 and 8621, Family Code.

Reference: 25 USC 1903(9), 1913(c), and 1912.

Amend Section 35385 to read:

35385 PROCEDURES FOR TRANSMISSION OF INFORMATION TO THE ADOPTEE 35385

- (a) The department shall, upon the request of an adoptee who has reached 18 years of age:
- (1) Inform the adoptee as to the tribe in which he/ or she is enrolled, or eligible for enrollment, and his/ or her degree of Indian blood.
 - (2) Inform the adoptee that the department will forward to the BIA any available information necessary to obtain benefits to which he/ or she is entitled, including tribal enrollment.
 - (3) Inform the adoptee that if he/ or she desires additional identifying information, he/ or she may petition the Superior Court pursuant to ~~01411~~ Family Code Section ~~229/10~~ 9200 and Health and Safety Code Section 10439.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections ~~221/80/ 01411~~ 8619 and 8621, Family Code.

Reference: Section ~~221/80/ 01411~~ 8619, Family Code.

Amend Section 35387 to read:

35387 TRANSMISSION OF INFORMATION AND DOCUMENTATION REQUESTED 35387
BY THE DEPARTMENT

(a) The agency shall provide to the department, upon request, information and documentation from the agency case record to assist the adoptee in obtaining tribal membership, and/or benefits derived from his/ or her Indian status, or certification of degree of Indian blood.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Sections 221/80/ 21711 8619 and 8621, Family Code.

Reference: Section 221/80/ 21711 8619, Family Code.

Amend Section 35401 to read:

35401 CHILDREN LEAVING CALIFORNIA

35401

(a) To initiate a home evaluation:

(1) The California sending agency shall summarize information about the child, complete Sections I, II and III of the ICPC 100A (Rev. 10/91), and:

(A) Forward the following documents to the receiving state's appropriate public authority: (Continued)

3. Two copies of the AD 4333 (Rev. 7/87 6/91), Acknowledgment and Confirmation of Receipt of Relinquishment Documents, establishing that the child is free for adoption, when a ~~Civil~~ Family Code Section ~~222~~ ~~of~~ ~~7077~~ 7660, 7661, 7662, 7664, 7665, 7666, 7669, 7802, 7807, 7808, 7820, 7821, 7822, 7823, 7824, 7825, 7826, 7827, 7828, 7829, 7890, or 7892 action has been completed or the parent has relinquished the child to a licensed adoption agency. The AD 4333 (Rev. 7/87 6/91) shall be signed by a representative of CDSS; (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections ~~222 and 207~~ ~~Civil~~ 7900 and 7903, Family Code.

Amend Section 35403 to read:

35403 CHILDREN ENTERING CALIFORNIA (Continued)

35403

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; ~~and~~ Section 1530, Health and Safety Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code; Section 1502, Health and Safety Code; and Sections ~~265 and 267/ Civil~~ 7901 and 7903, Family Code.

Amend Section 35405 to read:

35405 GENERAL

35405

(a) The following provisions apply to the birth parent(s).

- (1) Only the birth parent(s) may make adoptive placement plans for his/ or
her child. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and
Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code and Sections ~~224/20~~
~~and 205/ Civil~~ 8801(a) and 7901, Family Code.

Amend Section 35407 to read:

35407 CHILDREN LEAVING CALIFORNIA

35407

(a) The California agency [because California is the state where the birth parent(s) lives] shall request the birth parent(s) to submit the ICPC 100A (Rev. 10/91) for forwarding to the receiving state's appropriate public authority (the state where the prospective adoptive parent(s) lives) the following documents: (Continued)

(3) Two copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of California Family Code Sections 220/20/AY and 220/20/AY 8539 and 8801(b).

HANDBOOK BEGINS HERE

(A) The content of California Family Code Section 220/20/AY 8801(b) is located at Section 35000(p)(4)(A).

(B) The content of California Family Code Section 220/20/AY 8539 is located at Section 35000(p)(6)(A).

HANDBOOK ENDS HERE

(4) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code and Sections 220/20/AY/ 220/20/AY/ 224/20/ and 263/ California 8801 and 7900, Family Code.

Amend Section 35409 to read:

35409 CHILDREN ENTERING CALIFORNIA

35409

- (a) The California agency shall request the birth parent(s) to furnish the following information through the appropriate public authority in the sending state to the California agency: (Continued)
- (3) Copies of a statement by the birth parent(s) that confirms the plan for adoptive placement and meets the requirements of Civil Family Code Sections 220/20/AY and 220/20/0Y 8539 and 8801(b).

HANDBOOK BEGINS HERE

- (A) The content of Civil Family Code Section 220/20/AY 8801(b) is located at Section 35000(p) (45) (A).
- (B) The content of Civil Family Code Section 220/20/0Y 8539 is located at Section 35000(p) (6) (A).

HANDBOOK ENDS HERE

- (4) (Continued)
- (b) Before a child is permitted to enter California, the prospective adoptive parent(s) must ~~either~~:
- (1) Have a preplacement interview completed by a CDSS Adoptions district office or an adoption agency delegated responsibility by the CDSS for making studies and reports to the court on independent adoptions/ ~~of~~. (Continued)
- (2) Obtain an independent adoption preplacement assessment in accordance with the requirements of the Independent Preplacement Program/*

HANDBOOK BEGINS HERE

- (A) The Independent Preplacement Program regulations are located at sections 35127/1 and 35127/2/*

HANDBOOK ENDS HERE

- (B) The birth parent(s) shall submit a copy of the independent preplacement assessment with the ICPC 100A (Rev/ 10/91)/*

(c) (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code; and Section 8621, Family Code.

Reference: Section 16100, Welfare and Institutions Code; and Sections 7901, 7903, and 8801, Family Code.

ACKNOWLEDGMENT AND CONFIRMATION OF RECEIPT OF RELINQUISHMENT DOCUMENTS

TO ADOPTION AGENCY	STATE CASE NUMBER
CHILD'S NAME	BIRTHDATE

This will confirm receipt and/or filing of the following documents:

- ☐ Relinquishment(s) signed by ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
☐ Filed on ☐ Signed on
- ☐ Action(s) in lieu of relinquishment for ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
 Filed on _____
- ☐ Alleged father(s) did not respond in 30 days _____
- ☐ Waiver signed by Alleged natural father(s) ☐ Denial of paternity ^{DATE} signed by Alleged natural father(s)
☐ Filed on ☐ Signed on
- ☐ Parent(s) deceased ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
 Verified date _____

I. FORM AD 90☐ Acknowledgement cannot be issued for reason(s) checked below:

- ☐ Not enclosed
- ☐ Competency clearance not clearly established for relinquishing ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
- ☐ Competency Section unmarked for relinquishing ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
- ☐ Marriage verifications.
- ☐ Marriage dissolution verifications.
- ☐ Section _____ not completed.

II. RELINQUISHMENT, WAIVER, DENIAL

- ☐ Incomplete. ☐ Mother's ☐ Presumed father(s) ☐ Alleged natural father's (See comments below.)
- ☐ Alteration or Correction on relinquishment of ☐ Mother's ☐ Presumed father(s) ☐ Alleged natural father(s)
- ☐ Agency name on relinquishment of ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s) not listed as licensed
- ☐ Wrong relinquishment form utilized for ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)
- ☐ Statement of Understanding not submitted for: ☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)

III. ACTION IN LIEU OF RELINQUISHMENT (AD 551-A)

- ☐ Not enclosed
☐ Incomplete
☐ Not signed
☐ Not dated

IV. CERTIFICATION

- ☐ Not attached
☐ Not signed
☐ Not dated

V. FURTHER INFORMATION NEEDED

- ☐ Indian heritage not verified by Bureau of Indian Affairs
☐ Further information needed to verify child is legally free from:
☐ Mother ☐ Presumed father(s) ☐ Alleged natural father(s)

VI.Returning forms _____ ☐ Please correct and return**VII. COMMENTS:**☐ **ACKNOWLEDGMENT ISSUED**
 IN WITNESS WHEREOF, I have hereunto set my hand this _____
 day of _____ 19____

 Chief, Adoptions Branch
 Department of Social Services

By _____ Date _____

EMERGENCY

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW
NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91)

(See instructions on reverse)

For use by Secretary of State only

AGENCY California Department of Social Services		AGENCY FILE NUMBER (If any) 0894-28	
OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER 95-0320-0215
PREVIOUS REGULATORY ACTION NUMBER			
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

FILED
In the office of the Secretary of State
of the State of California

MAR 30 1995

At 3:58 O'clock P.M.
BILLY JONES, Secretary of State
By Robert L. Carmack
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE Revised Income and Resource Exclusions in the Food Stamp Program		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
TITLE(S) MPP	ADOPT 63-029; 63-506; 63-506(b) and (b)(7) through (16); 63-507; 63-507(a), (a)(1)(B) through (C), (a)(6)(C), (a)(12), (a)(16) through (18). AMEND 63-501.1 and .3; 63-502.13, .2(b), (e), (g), (j) & (l), and .352(d); 63-506(a) & (b); and 63-507(a). REPEAL 63-502(1)(4) & (5).
SECTIONS AFFECTED	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not applicable.

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State 4-3-95 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON
Frank Vitulli, Chief, Office of Regulations Development

TELEPHONE NUMBER
(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Eloise Anderson, Director

DATE
MAR 16 1995

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-029 to read:

63-029 IMPLEMENTATION OF REVISED RESOURCE AND INCOME
EXCLUSION PROVISIONS

63-029

- .1 The amended and adopted provisions of Sections 63-501.3(b), (j) and (k); Section 63-502.2(1); Section 63-506; and Sections 63-507(a)(1) through (a)(4) and (a)(6) through (17) shall become effective April 3, 1995 for new food stamp applications and continuing cases.
- .2 The amended and adopted provisions of Sections 63-507(a)(5) and (a)(18) shall become effective April 3, 1995 and shall be implemented as follows:
 - .21 Beginning April 3, 1995, CWDs shall implement these provisions for all new food stamp applications.
 - .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and benefits restored to the date of application or August 1, 1994, whichever is later when any one of the following first occurs:
 - .221 Upon request of the household;
 - .222 At recertification;
 - .223 When the case is next reviewed; or
 - .224 When the CWD becomes aware that a review is needed.
 - .23 A household that applied for benefits from August 1, 1994, through March 31, 1995, and was denied due to excess income because of receipt of energy assistance reimbursements, payments, or allowances from the federal Department of Housing and Urban Development and/or the federal Farmers Home Administration is entitled to benefits restored to the date of application or August 1, 1994, whichever is later, if:
 - .231 The household is otherwise entitled to benefits; and,
 - .232 The household requests a review of its case or the CWD becomes aware that a review is needed.
 - .24 A household that applied for benefits from August 1, 1994 through March 31, 1995, and was denied due to excess income and resources because of receipt of payments made to victims of Nazi persecution, is entitled to benefits restored to the date of application or August 1, 1994 whichever is later, if:
 - .241 The household is otherwise entitled to benefits; and
 - .242 The household requests a review of its case or the CWD becomes aware that a review is needed.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 18902 and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.8(e)(11) and 273.9(c)(10); and United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS),-- Administrative Notice (AN) 94-41, dated April 19, 1994; U.S.D.A., FNS, ANs 94-58 and 94-59, dated July 5, 1994; and U.S.D.A., FNS, AN 94-72, dated September 15, 1994.

Renumber Section 63-501.3(k)(13) to Section 63-501.3(p) and amend Sections 63-501.111 and .3(b), (j), (k), and (p) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.1 Definition of Resources (Continued)

.11 (Continued)

.111 A nonrecurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal law as specified in Section ~~63-501.3(k)(13)~~ of 63-501.3(1), Section 63-506, or Section 63-507 or unless excluded as specified in Section 63-501.3(o). (Continued)

.3 Exclusions From Resources

In determining the resources of a household, only the following shall be excluded:

(a) (Continued)

(b) Households goods, personal effects, including one burial plot per household member, ~~and~~ the cash value of life insurance policies, the cash value of pension plans or funds, and Keogh plans which involve a contractual relationship with individuals who are not household members.

(c) through (i) (Continued)

(j) Indian lands held jointly with the Tribe/ or land that can be sold only with the approval of the Department of Interior's Bureau of Indian Affairs/ Resources and/or income of Native Americans and Alaska Natives as specified in Section 63-506.

(k) Resources and/or income which that are specifically excluded for food stamp purposes by any other federal statute as specified in Section 63-507. The following is a listing of some of the resources excluded by Federal statute/

(l) through (o) (Continued)

(kp) ~~(k)~~ Property, real or personal, to the extent that it is directly related to the maintenance or use of a vehicle excluded under Sections 63-501.521(a), (b) or (f). Only that portion of real property determined necessary for maintenance or use is excludable under this provision.

HANDBOOK BEGINS HERE

- (1) For example, a household which owns a produce truck to earn its livelihood may be prohibited from parking the truck in a residential area. The household may own a 100-acre field and use a quarteracre of the field to park and/or service the truck. Only the value of the quarteracre would be excludable under this provision, not the entire 100-acre field.

HANDBOOK ENDS HERE

Authority cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 272.8(e)(17); 7 CFR 273.2(j)(4); and 7 CFR 273.8(e)(11) and (h); Public Law (P.L.) 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-201; P.L. 101-426, Section 6(h)(2), as specified in United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 91-37; P.L. 101-508, Section 11111(b); P.L. 101-624, Section 1715; P.L. 102-237, Section 905, as specified in Federal Administrative Notice 92-12, dated January 9, 1992; Section 2466d., Title 20, United States Code (U.S.C.); 7 U.S.C. 2014(d); 26 U.S.C. 32(j)(5); 42 U.S.C.A. 5122 as amended by P.L. 100-707, Section 105(i); U.S.D.A., Food and Nutrition Service, Administrative Notice 91-30; and Index Policy Memo 90-22, dated July 12, 1990; and U.S.D.A., FNS, AN 94-58, dated July 5, 1994.

Amend Sections 63-502.135; .2(b), (e), (g), (j), and (l); and .352(d) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS

63-502

.1 Income Definition (Continued)

.13 Earned income shall include: (Continued)

.135 Earnings of individuals who are participating in on-the-job training programs under the Job Training Partnership Act of 1982 (JTPA), or under programs funded by Title I of the National and Community Services Act; Serve America: The Community Service, Schools, and Service-Learning Act of 1990; and, The American Conservation and Youth Service Corps Act of 1990; except as specified in Sections ~~63-502.2(k)(7)(A)~~ 63-507(a)(4) and (a)(17)(A).

.2 Income Exclusions. Only the following items shall be excluded from household income: (Continued)

(b) Vendor payments. Money that is not legally obligated to be paid to the household, but which is paid to a third party for a household expense by a person or organization outside of the household. (Continued)

(2) An AFDC, GA/GR, RCA, or ECA payment shall be considered an excludable vendor payment and not counted as income to the household if that payment is for: (Continued)

(C) Energy assistance [as defined in Section ~~63-502.2(k)(7)(A)~~ 63-507(a)(5)] or a GA payment made to the household for energy or utility cost assistance; (Continued)

(e) Educational assistance not otherwise excluded by federal statute as specified in Section ~~63-502.2(l)~~ 63-507(a)(6), to the extent that it is earmarked by the lender, used for, or intended to be used for, allowable educational expenses at qualifying institutions as specified in Section 63-502.2(e)(3). (Continued)

(g) (Continued)

(1) Excludable reimbursements which are not considered to be a gain or benefit to the household include, but are not limited to the following: (Continued)

(I) Reimbursements for child care made under the Family Support Act of 1988, including reimbursements for GAIN child care and transitional child care (TCC); the At-Risk Block Grant (except that no deduction, as specified in Section 63-502.34, shall be allowed for any expense covered by At-Risk Block Grant payments); and, the Child Care and Development Block Grant. (Continued)

(j) Money received in the form of a nonrecurring lump-sum payment, including, but not limited to, income tax refunds, rebates, or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; AFDC homeless assistance payments for temporary shelter or permanent housing [see Section 63-102(h)]; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, in accordance with Section 63-501.111 unless specifically excluded from consideration as a resource by other federal laws as specified in Section 63-501.3(k) of (1), Section 63-506 or Section 63-507 or unless excluded as specified in Section 63-501.3(o). (Continued)

(1) ~~Any~~ Income that is specifically excluded for Food Stamp purposes by any other federal statute from consideration as income for the purpose of determining eligibility for the Food Stamp Program. The following is a listing of some of the types of income excluded by federal statutes as specified in Section 63-507.

(4) Educational assistance provided by a program funded in whole or in part under Title IV of the Higher Education Act and/or the Bureau of Indian Affairs Student Assistance Programs.

(5) Federal major disaster and emergency assistance provided to individuals and families under the Disaster Relief Act of 1974 (as amended by Public Law 100-707) and comparable disaster assistance provided by states, local governments, and disaster assistance organizations as a result of a major disaster.
(Continued)

.3 Income Deductions (Continued)

.35 Excess Shelter Deduction (Continued)

.352 Shelter costs shall include only the following: (Continued)

(d) The cost of heating and cooking fuel; cooling and electricity; water and sewerage; garbage and trash collection fees; the basic service and rental fee for one telephone, including tax on the basic fee; and fees charged by the utility provider for initial installation of the utility. One-time deposits shall not be included as shelter costs.

(1) For purposes of this section, the full amount of excluded energy assistance payments or allowances, as specified in Section 63-507(a)(5), shall be deemed to have been expended for heating or cooling costs.
(Continued)

Authority cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; Public Law (P.L.) 99-198, Section 1509(b); P.L. 101-201; P.L. 101-624; P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77; P.L. 102-237, P.L. 102-325; 7 Code of Federal Regulations (CFR) 271.2; 7 CFR 273.7(f); 7 CFR 273.9; 7 CFR 273.9(b)(1) and (c), 7 CFR 273.9(c)(1) and (i), (iii), (iv), and (iv)(B), and (c)(3); 7 CFR 273.9(c)(5); 7 CFR 273.9(c)(5)(i)(A); 7 CFR 273.9(c)(5)(i)(C), (F) and (G) and (ii)(A); 7 CFR 273.9(c)(10); 7 CFR 273.9(c)(15); 7 CFR 273.9(d)(3)(vii); 7 CFR 273.9(d)(1) through (6); 7 CFR 273.11(d)(1), (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock. No. CV-89-0768]); 7 CFR 273.21(j)(1)(vii)(A); P.L. 101-508, Section 11111(b); 7 United States Code (U.S.C.) Sections 2014(d) and (d)(3)(B); 7 U.S.C. Section 2015(e); 20 U.S.C. Section 1087 uu.; 20 U.S.C. Section 2466d.; 26 U.S.C. Section 32(j)(5); United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS) Office, Western Region, Administrative Notice (AN) 88-40, Indexed Policy Memo 88-10, dated April 20, 1988; U.S.D.A., Food and Nutrition Service Office, Western Region, Administrative Notice 91-24, dated January 24, 1991; and U.S.D.A., Food and Nutrition Service, Administrative Notice 91-30; Waiver Letter WFS-100: FS-10-6-CA, dated October 2, 1990, United States Department of Agriculture U.S.D.A., Food and Nutrition Service; Federal Register, Volume 51, No. 163 (pgs. 30046 and 30047); Food Stamp Question and Answer Distribution System, #502.2-7; and U.S.D.A., Food and Nutrition Service Office, Western Region, Administrative Notices 92-12 and 92-41 with Policy Memo 3-92-06; and U.S.D.A., FNS, AN 94-41, dated April 19, 1994.

Adopt Title for Section 63-506; adopt Sections 63-506(b) and (b)(7) through (b)(16); include Handbook Section 63-506(b)(2)(A) et seq.; and renumber Section 63-506 from Sections 63-501.3(j), (k)(1) and (2), and (k)(8) through (11), nonconsecutive, and amend to read:

63-506 EXCLUDED RESOURCES AND/OR INCOME OF NATIVE AMERICANS
OR ALASKA NATIVES

63-506

~~63-501.3~~

(a) Indian lands held jointly with the Tribe, or land that can be sold only with the approval of the Department of Interior's Bureau of Indian Affairs.

(b) Funds or assets of, or payments to Native American tribal members or Alaska Natives shall be excluded as resources and/or income for Food Stamp purposes if specifically excluded by any other federal law. These exclusions include, but are not limited to:

~~63-501.3~~

(1) Payments received under the Alaska Native Claims Settlement Act (Public Law [P.L.] 92-203, Section 21(a) 29 and P.L.100-24, Section 15 or the Sac and Fox Indian claims agreement (P~~u~~~~b~~~~l~~~~i~~~~c~~ L~~a~~~~w~~ 94-189, Section 6);

~~63-501.3~~

(2) Payments received by certain Indian tribal members under P~~u~~~~b~~~~l~~~~i~~~~c~~ L~~a~~~~w~~ 94-114, Section 6, regarding submarginal land held in trust by the United States;

HANDBOOK BEGINS HERE

(A) The following tribes may benefit from the provisions of Section 63-506(b)(2):

1. Bad River Band of the Lake Superior Tribe of Chippewa Indians of Wisconsin;
2. Blackfeet Tribe;
3. Cherokee Nation of Oklahoma;
4. Cheyenne River Sioux Tribe;
5. Crow Creek Sioux Tribe;
6. Lower Brule Sioux Tribe;
7. Devils Lake Sioux Tribe;
8. Fort Belknap Indian Community;
9. Assiniboine and Sioux Tribes;

10. Lac Corte Oreilles Band of Lake Superior Chippewa Indians;
11. Keweenaw Bay Indian Community;
12. Minnesota Chippewa Tribe;
13. Navajo Tribe;
14. Oglala Sioux Tribe;
15. Rosebud Sioux Tribe;
16. Shoshone-Bannock Tribe; and the
17. Standing Rock Sioux Tribe.

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§3+§0113

(KY) (83) Payments received from the disposition of funds to the Grand River Band of Ottawa Indians (P.L. 94-540).

§3+§0113

(KY) (94) Payments received by the Confederated Tribes and Bands of the Yakima Indian Nation and the Apache Tribe of the Mescalero Reservation from the Indian Claims Commission (P.L. 95-433, Section 2).

§3+§0113

(KY) (105) Payments made to the Passamaquoddy Tribe, ~~and~~ the Penobscot Nation, or ~~any of their members received~~ the Houlton Band of Maliseet pursuant to the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420, Section 9(c)).

§3+§0113

(KY) (116) Payments of relocation assistance to members of the Navajo and Hopi Tribes (P.L. 93-531, Section 22).

(7) Funds that meet any of the criteria specified in Section 63-506(b)(7)(A):

(A) Funds appropriated to satisfy judgements of the Indian Claims Commission or Claims Court (P.L. 93-134, P.L. 97-458 and P.L. 98-64) which:

1. Are distributed per capita, not exceeding \$2,000, or held in trust according to an approved plan.
2. As of January 12, 1983, were to be distributed per capita, up to \$2,000, or held in trust according to a plan approved by Congress prior to January 12, 1983.

3. Were distributed according to a plan approved by Congress after December 31, 1981, but prior to January 12, 1983, and any purchases made with such funds; or
 4. Are per capita payments, not exceeding \$2,000, from funds which are held in trust by the Secretary of the Interior (trust fund distribution).
- (B) For purposes of this section, the \$2,000 limit on per capita shares applies to each payment made to each household member.
- (C) Purchases made with payments distributed between January 1, 1982 and January 12, 1983 shall be excluded from resources to the extent excluded funds were used to make such purchases.
- (8) Interests of individual Indians in trust or restricted lands shall be excluded as resources only; and any income from such interests, up to \$2,000 per calendar year per individual shall be excluded as income only (P.L. 93-134, P.L. 97-458, and P.L. 103-66, Section 13736).
- (A) For purposes of this section, interests include the individual's right to, or legal share of, the trust or restricted land and any resulting income.
- (B) For purposes of this section, the exclusion applies to each individual household member who holds an interest or legal share.
- (9) Assistance received under the Indian Child Welfare Act child and family service grant programs on or near reservations (P.L. 95-608). These programs include, but are not limited to: family assistance, day care, after school care, respite care, recreational activities, home improvement, employment of domestic relations and child welfare personnel, and education and training.
- (10) Payments made to the following: Turtle Mountain Band of Chippewas, Arizona (P.L. 97-403); Blackfeet, Grosventre, Assiniboine tribes, Montana, and the Papago Tribe, Arizona (P.L. 97-408); Red Lake Band of Chippewa Indians (P.L. 98-123, Section 3); White Earth Band of Chippewa Indians, Minnesota, pursuant to the White Earth Reservation Land Settlement Act of 1985 (P.L. 99-264, Section 16); and Saginaw Chippewa Indian Tribe of Michigan (P.L. 99-346, Section 6(b)(2)).
- (11) Per capita and interest payments made to members of the Assiniboine Tribe of the Fort Belknap Indian Community and the Fort Peck Indian Reservation, Montana (P.L. 98-124, Section 5).
- (12) Funds paid to heirs of deceased Native Americans under the Old Age Assistance Claims Settlement Act, except for per capita shares exceeding \$2,000 (P.L. 98-500, Section 8).

- (13) Funds distributed per capita or held in trust for the Chippewas of Lake Superior and the Chippewas of the Mississippi (P.L. 99-146, Section 6(b) and P.L. 99-377).
- (14) Funds, assets or income from the trust fund established pursuant to the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41, Sections 10 (b) and (c)).
- (15) Payments made to the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Miccosukee Tribe of Indians of Florida and the independent Seminole Indians of Florida to satisfy the judgements of the Indians Claims Commission, except for per capita payments exceeding \$2,000 (P.L. 101-277).
- (16) Payments, funds, distributions or income under the Seneca Nation Settlement Act of 1990 (P.L. 101-503, Section 8(b)).

Authority Cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.8(e)(10) and (e)(11); 7 CFR 273.9(c)(10); Public Law (P.L.) 92-203, Section 29; P.L. 93-134; P.L. 93-531, Section 22; P.L. 94-114, Section 6; P.L. 94-189, Section 6; P.L. 94-540; P.L. 95-433, Section 2; P.L. 95-608; P.L. 96-420, Section 9(c); P.L. 97-403; P.L. 97-408; P.L. 97-458; P.L. 98-64; P.L. 98-123, Section 3; P.L. 98-124, Section 5; P.L. 98-500, Section 8; P.L. 99-146, Section 6(b); P.L. 99-264, Section 16; P.L. 99-346, Section 6(b)(2); P.L. 99-377; P.L. 100-241, Section 15; P.L. 101-41, Sections 10(b) and (c); P.L. 101-277; P.L. 101-503, Section 8(b); P.L. 103-66, Section 13736; and United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 94-41, dated April 19, 1994.

1. For purposes of this provision, dependent means a child under 19 years of age who is under the parental control of an adult household member.

§ 301.7

(75)

Payments or allowances ~~made~~ authorized under any federal, state or local laws for the purpose of energy assistance, i.e., payments or allowances made by the Low Income Energy Assistance Program (EAP) (P.L. 99-425, Section (e)), Housing and Urban Development (HUD) or the Farmers Home Administration (FmHA) shall be excluded as income only. These payments or allowances shall be clearly identified as energy assistance by the legislative body authorizing the program or providing the funds. The full amount of such payments or allowances shall be deemed to have been expended for heating or cooling costs in determining any excess shelter deduction as specified in Section 63-502.35.

§ 301.7

(76)

Financial educational assistance provided ~~by~~ under any of the following:

- (A) A program funded in whole or in part under Title IV of the Higher Education Act (as amended by Public Law (P.L.) 99-498 102-325);
- (B) The Bureau of Indian Affairs Student Assistance Programs (P.L. 102-325) / (Public Law 100-500);
- (C) Title XIII, Indian Higher Education Programs, Tribal Development Student Assistance Revolving Loan Program (Tribal Development Student Assistance Act);
- (D) To the extent specified in Section 63-502.2(e), the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2301-2466d.).

§ 301.7

(77)

Payments received as restitution pursuant to the Civil Liberties Act of 1988, by ~~individuals~~ U.S. citizens of Japanese ancestry and permanent resident Japanese aliens who were interned during World War II or their survivors; and payments received by Aleut residents of the Pribilof Islands and the Aleutian Islands west of Unimak Island pursuant to the Aleutian and Pribilof Islands Restitution Act, for injustices suffered while under United States control during World War II (P. ~~Public~~ Law 100-383, Section 105(f)(2).

§ 301.7

(78)

Payments received from the Agent Orange Settlement Fund or any other fund established to settle liability claims by veterans or survivors of deceased veterans concerning Agent Orange under the Agent Orange Compensation Act of 1989 (P. ~~Public~~ Law 101-201 and P.L. 101-329, Section 10405).

§330113

(KY) (189) Earned Income Tax Credit (EITC) payments received by any household member as an advance payment or in the form of a lump sum. These payments shall be excluded for 12 months, provided the household was participating in the Food Stamp Program at the time of receipt of the EITC and provided the household participates continuously during that 12-month period/ (P. ~~45114~~ L. ~~45~~ 103-66).

(A/) Continuous participation includes breaks in participation of one month or less due to administrative reasons, such as delayed recertifications or missing or late CA 7s.

(B/) If the pay stub does not indicate an EITC advance payment was received, no further action is required.

(C/) If it is unclear from the pay stub what amount of EITC advance payment the recipient received, the CWD shall obtain clarification from the recipient and contact the employer if necessary to obtain the amount.

§330113

(KY) (170) Federal major disaster and emergency assistance provided to individuals and families under the Disaster Relief Act of 1974 (as amended by P. ~~45114~~ L. ~~45~~ 100-707, Section 105(i)), and comparable disaster assistance provided by states, local governments, and disaster assistance organizations as a result of a major disaster.

§330113

(KY) (181) Payments received from the Radiation Exposure Compensation Trust Fund ~~to~~ by an individual for certain diseases attributed to radiation exposure pursuant to the Radiation Exposure Compensation Act of 1990 (P. ~~45114~~ L. ~~45~~ 101-426, Section 6(h)(2)).

(12) Any amount by which the basic pay of an individual is reduced under the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (P.L. 99-576, Section 303(a)(1)).

§330212

(LY) (13) Any payment to volunteers under Title II of the Domestic Volunteer Services Act, including but not limited to the Retired Senior Volunteer Program (RSVP), and Foster Grandparents Program and Senior Companion Program shall be excluded as income only (P. ~~45114~~ L. ~~45~~ 93-113, as amended).

§330212

(LY) (214) Any payments under Title I of the Domestic Volunteer Services Act, including but not limited to VISTA, University Year for Action and Urban Crime Prevention Program to volunteers who were receiving food stamps or public assistance at the time they joined the Title I program shall be excluded as income only. In addition, those individuals who

were receiving an income exclusion for a VISTA or other Title I subsistence allowance at the time of conversion to the Food Stamp Act of 1977 shall continue to receive the income exclusion for VISTA for the length of their volunteer contract in effect at the time of conversion. Temporary interruptions in Food Stamp Program participation shall not affect the exclusion once eligibility has been determined (P.L. 93-113, as amended).

~~§3+§02/2~~

~~11Y~~ (§15) Funds received by individuals age 55 and over provided by the Senior Community Service Employment Program (SCSEP) under Title V of the Older Americans Act shall be excluded as income only (as amended by P.~~48114~~ L.~~4~~ 100-175, Section 166).

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(A) The following organizations receive Title V funds under the Older Americans Act:

1. Green Thumb
2. National Council on Aging
3. National Council of Senior Citizens
4. American Association of Retired Persons (AARP)
5. U.S. Forest Service
6. National Association for Spanish-Speaking Elderly
7. National Urban League
8. National Council on Black Aging

HANDBOOK ENDS HERE

(16) The value of any child care provided or arranged for, or child care payments made under the programs specified in Sections 63-507(a)(16)(A) through (a)(16)(C) shall be excluded as income only.

(A) Title IV-A of the Social Security Act, including transitional child care (P.L. 100-485, Section 301).

(B) The At-Risk Block Grant (P.L. 101-508, Section 5801).

1. No deduction, as specified in Section 63-502.34, shall be allowed for any expense covered by At-Risk Block Grant payments.

(C) The Child Care and Development Block Grant (P.L. 102-586, Section 8).

(17) Payments made under Title I of the National and Community Service Act; the Serve America: The Community Service, Schools and Service-Learning Act of 1990; the American Conservation and Youth Service Corps Act of 1990; and various other programs shall be excluded as income only (P.L. 101-610, Section 177(d)).

(A) Earnings of individuals participating in on-the-job training funded by Title I programs shall not be excluded, consistent with the provisions of Section 63-507(a)(4).

HANDBOOK BEGINS HERE

(B) Other programs that may be funded under Title I include: the Higher Education Service-Learning Programs, the AmeriCorps umbrella programs, including the National Civilian Community Corps and the Summer for Safety programs; and the School-to-Work Opportunities Program.

HANDBOOK ENDS HERE

(18) Payments made to individuals because they have been determined to be victims of Nazi persecution (P.L. 103-286, Section (1)).

Authority Cited: Sections 10553, 10554, 11209, and 18904, Welfare and Institutions Code.

Reference: Sections 10554, 18901, 18902, and 18904, Welfare and Institutions Code; 7 Code of Federal Regulations (CFR) 273.8(e)(11); 7 CFR 273.9(c)(10); Public Law (P.L.) 89-642; P.L. 91-646, Section 216; P.L. 93-113; P.L. 94-105, Section 9(d); P.L. 95-531; P.L. 95-600; P.L. 97-300, Section 142(b); P.L. 99-425, Section (e); P.L. 99-576, Section 303(a)(1); P.L. 100-50; P.L. 100-175, Section 166; P.L. 100-383, Section 105(f)(2); P.L. 100-485, Section 301; P.L. 100-707, Section 105(i); P.L. 101-201; P.L. 101-329, Section 10405; P.L. 101-426; P.L. 101-508, Section 5801; P.L. 101-610, Section 177(d); P.L. 102-325; P.L. 102-586; P.L. 103-286, Section 1; 20 United States Code (U.S.C.) 2301-2466d; United States Department of Agriculture (U.S.D.A.), Food and Nutrition Service (FNS), Administrative Notice (AN) 94-41, dated April 19, 1994; U.S.D.A., FNS, ANs 94-58 and 94-59, dated July 5, 1994; and U.S.D.A., FNS, AN 94-72, dated September 15, 1994.